

The State and Civil Society in Uganda, Kenya and South Africa: The Case of Women's Movements

by

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Declaration

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Abstract

Both democracy and civil society is seen to be dysfunctional in many African countries. Political leaders are not accountable to the people and citizens' participation in the democracies is low. Particularly, women have often been neglected both within formal politics and the civil society. The aim of this thesis has been to investigate the role of the women's movements in Uganda, Kenya and South Africa. The study has focused on the relationship between the women's movement and the state, and further addressed the extent to which the women's movements have been able to direct the state and influence policymaking for improved women's rights and gender equality in the respective countries.

The thesis has found that the relationship between the women's movements and the state in the three countries inhibits very different characteristics that give rise to varying degrees of success from the work of the women's movements. Further, the relationship has been subjected to changes in accordance with the overall political developments in the three countries. In Uganda and South Africa the political transitions of the mid 1980s and early 1990s, each respectively represented a period of good connection and communication between the women's movements and the state. The women's movements were able to present a strong voice and, thereby, were able to influence the state for the adoption of national gender machineries. After the political transitions, the relationship between the women's movements and the state in both Uganda and South Africa has, however, become more constrained. In South Africa, the debates on women's rights and gender equality have been moved from the terrain of the civil society and into the state, leading to a seemingly weakened voice for the women's movement outside the state. In Uganda, the women's movement have come to be subjected to pressure for co-optation by the government. The government does not genuinely uphold a concern for increased women's rights and gender equality, and the women's movement has at times been directly counteracted.

Further, in Kenya, the women's movement's relationship with the state is characterised by competition rather than communication. The women's movement is subjected to high degrees of repression, attempts of cooptation and silencing from the state, and the women's movement have been effectively restricted from presenting a strong voice and influence the state to any great.

The three case- studies illustrates that the political opportunity structures present at a particular time influence the extent to which women's movements can work effectively in different contexts.

Opsomming

Menige Afrikaland se demokrasie sowel as burgerlike samelewing word as disfunksioneel beskou. Politieke leiers doen geen verantwoording aan die mense nie, en burgers se deelname aan demokrasie is gebrekkig. Veral vroue word afgeskeep in die formele politieke sfeer én die burgerlike samelewing. Die doel van hierdie tesis is om die rol van die vrouebewegings in Uganda, Suid-Afrika en Kenia te ondersoek. Die studie konsentreer op die verhouding tussen die vrouebeweging en die staat, en handel voorts oor die mate waarin die verskillende vrouebewegings die staat kan lei en beleidbepaling kan beïnvloed om beter vroueregte en gendergelykheid in die onderskeie lande teweeg te bring.

Die tesis bevind dat die verhouding tussen die vrouebewegings en die staat in die drie lande onder beskouing baie uiteenlopende kenmerke toon, wat wisselende grade van sukses in die vrouebewegings se werk tot gevolg het. Voorts verander dié verhouding namate die oorkoepelende politieke bestel in die drie lande verander.

Uganda en Suid-Afrika se politieke oorgange in die middeltagtiger- en vroeë negentigerjare onderskeidelik het 'n tydperk van goeie bande en kommunikasie tussen die vrouebewegings en die staat verteenwoordig. Die vrouebewegings se stem het groot gewig gehad en kon dus die staat beïnvloed om nasionale beleid en werkswyses met betrekking tot gender in te stel. Ná die onderskeie politieke oorgange is die verhouding tussen die vrouebeweging en die staat in sowel Uganda as Suid-Afrika egter aansienlik ingeperk. In Suid-Afrika het die debat oor vroueregte en gendergelykheid van die gebied van die burgerlike samelewing na die staat verskuif, wat die vrouebeweging se stem buite die staat aansienlik verswak het. In Uganda is die vrouebeweging weer onderwerp aan druk van koöpsie deur die regering. Die regering blyk nie werklik besorg te wees oor beter vroueregte en gendergelykheid nie, en die vrouebeweging word by tye direk teengewerk.

Daarbenewens word die Keniaanse vrouebeweging se verhouding met die staat gekenmerk deur kompetisie eerder as kommunikasie. Die vrouebeweging het te kampe met heelwat onderdrukking en koöpsie- en muilbandpogings van die staat, en word in effek daarvan weerhou om hul menings te lug en die staat in enige beduidende mate te beïnvloed met die oog op groter doelgerigtheid en beter beleidbepaling wat vroueregte en gendergelykheid betref.

Die drie gevallestudies toon dat die politieke geleentheidstrukture op 'n bepaalde tydstip 'n uitwerking het op die mate waarin vrouebewegings doeltreffend in verskillende kontekste kan funksioneer.

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Abbreviations

ACFODE	Action for Development
ANC	African National Congress
ANCWL	African National Congress Women's League
CBO	Community Based Organisation
CGE	Commission on Gender Equality
CSO	Civil Society Organisation
FSAW	Federation of South African Women
GBM	Green Belt Movement
KADU	Kenya African Democratic Union
KANU	Kenya African National Union
LRA	Lord's Resistance Army
MYWO	Maendeleo Ya Wanawake
NARC	National Rainbow Coalition
NCW	National Council of Women
NGO	Non Governmental Organisation
NRA	National Resistance Army
NRM	National Resistance Movement
NWC	National Rainbow Coalition Women Congress
OSW	Office on the Status of Women
POIB	Protection of Information Bill
UNLF	Uganda National Liberation Front
UPC	Uganda Peoples' Congress
UWO	United Women's Organisation
UWONET	Uganda Women's Network
WNC	Women's National Coalition
WORK	Women's Movement for the Return of Yoweri K. Museveni

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Chapter 1 Introduction

Democracy is based on the essential requisite that people and citizens of a democratic regime should have the possibility to `govern themselves` through the democratic system, and especially through the election of representatives into the government (Bratton and van de Walle 1997:11). In the international arena, democracy is generally treated as the only acceptable regime type. Democracy is presented as something universal that represents the only right way of structuring a polity, and the right way through which to experience economic and social development, argues Stromberg (1996:3).

Although many African states today claim to be democracies, substantial development and genuine citizen participation in politics is still largely absent or restricted. The role of the citizens in African democracies appears to be minimal (Chazan et al 1999). African countries experiences with democracy have not lead to the results that were pictured at the time of their independence. Further, the state and the overall society are often in opposition, or in conflict with each other (Bratton 1994). The state is largely not accepted as a representative of the people, and citizen's access to the state is restricted (Chazan et al 1999).

For a democracy to function, the existence of civil society is often presented as crucial, and as a link between the citizens and the state. Constructive and open communication between civil society and the state enhance and promote democratic consolidation, argues Diamond (1994). The strength and quality of civil society in African countries are, however, often doubted, further posing a pessimistic picture of the future for democracy and citizens' participation in politics in African countries (Chabal and Dalos 1999:18).

In addition, within African countries, women have especially been kept out of politics. Where men dominate the political arena and the civil society, women have been treated as belonging in the domestic sphere and within the household. Thereby, they have largely not been accepted as political actors. As a result, women's needs have largely not been discussed in political debates, and the democracies, as such, suffer from neglecting the needs of a large part of the population. Weak representation of women in politics, and a lack of access to state institutions by women have resulted in an ignorance of women's needs (Tripp et al. 2009:2).

The rationale for the research in this thesis is based on the arguments that democracy in Africa is dysfunctional, political elites are not representative to the people, and further, women are kept out of politics and are not represented within the political arena. Civil society, as the tool to hold the government accountable and promote democracy, is also presented as dysfunctional. Especially women are often posed with restrictions from participating equally alongside men in civil society. The research problem motivating this thesis is that there is uncertainty around the role that civil society plays in African democracies, and further especially the role of women and women's organisations within civil society is a field that are largely under-researched. This thesis is thereby concerned with the role of women's movements within civil society in African democracies. It engages in an investigation of the women's movements in Uganda, Kenya and South Africa. The research seeks to investigate the relationship between the women's movements and the state in these three countries, and subsequently discuss whether, and to what extent, the women's movements have been able to pressure the state and influence policy making for the enhancement of greater women's rights and gender equality.

Uganda, Kenya and South Africa represent three countries with different characteristics. The countries have diverse political histories and experiences with democracy. Within the three cases, the relationship between the state and civil society is also varying. The women's movements in the three countries operate within different political contexts, and are to varying degrees able to influence the state on issues of gender equality and women's rights. The civil society and the women's movements in all the three countries have had to operate in environments of restricted freedom of speech and freedom of association, authoritarian rule, repression, and a limited space for action. However, all three countries have gone through processes of democratisation in which the space for civil society have broadened relatively (Robinson and Friedman 2007, Okuku 2003). In Uganda, 1986 marked a broadening of civil liberties, as it involved the takeover of the current president Yoweri Museveni (Lister and Nyamugasira 2003:98). In Kenya, the reintroduction of multiparty politics in 1991 represented a broadening space for civil society (Aubrey 2001:93), and in South Africa the end of apartheid in 1994 marked an end to severe repressive rule (Bawa 2005:xl).

Women's movements have become more visible within civil society in many African countries from the early 1990s, and women were in many cases important advocates in pushing for the democratic changes that came about in many African countries during the

1990s (Tripp 2001b:142). Women's involvement in politics is, however, still limited in many African countries. Women have faced difficulties getting heard and accepted, both within society, civil society and the state. Women are often not accepted as political actors and are restricted to the private or domestic terrain. However, Fallon and Viterna (2008:669), state that the adoption of gender sensitive policies and greater political possibilities for women does not come about without the sustained pressure and advocacy by women's movements.

Women's movements within African democracies, represents groups of organised women that take up issues of concern to women deriving from their gendered role as women, and collectively express demands for the enhancement of women's rights and gender equality (Beckwith 2000:437). Women's organisations and women's movements seeks to pressure the state in order to influence policymaking in a way that recognises and enhances women's rights and greater gender equality (Tripp et al. 2009:81). In this regard, the adoption of 'national gender machineries' is important. National gender machineries represent mechanisms and institutions within and around the state that work to secure gender equality. The mechanisms of national gender machineries work to institutionalise structures for the promotion and realisation of gender equality (Gouws 2006:144).

The central theoretical concepts in this thesis are democracy, civil society and women's movements. 'Democracy' and 'civil society' are important concepts in today's world in relation to discussions about governance. However, when applied to the study of contexts and cases in Africa, some precautions must be taken in relation to both the concepts. The concepts of democracy and civil society were both developed in the western part of the world, in a different political reality than what is the case in most African countries. Thereby, it has been argued, that the concepts are not of relevance and cannot be used when studying cases and contexts in Africa. However, others again, have stated that the concepts are useful as long as the researcher treats the concepts with some flexibility or moderation, by taking into consideration the specific realities in the cases that are under study (Bratton et al 2005). The role of women's movements has primarily not been the focus in investigations and discussions about civil society. Especially women and women's organisations role within African democracies needs further exploration (Walsh 2008:46).

The aim of this thesis is, thus, to investigate to what extent the women's movements in Uganda, Kenya and South Africa have been able to represent a strong movement within civil

society. The research objective has been to investigate and discuss the relationship between the women's movements and the state. Further, the research investigated to what extent the women's movements have been able to reach, pressure and influence the state, on matters of women's rights and gender equality.

The relationship between the civil society and the state is a crucial determinant of how the civil society can work, and how strong and effective it can be. Especially, the degree to which freedom of association and freedom of expression is respected, or to what extent civil society is restricted and subjected to repression is important (Diamond 1994:11). Under severe degrees of repression civil society is restricted from working effectively (Gyimah-Boadi 1996:1279). Further important in the relationship between the civil society and the state, is whether it is characterised by cooperative communication or competition. Ideally the relationship between the civil society and the state should be characterised by open communication and dialogue, rather than competition and conflict. The level of autonomy civil society organisations hold is further important for its potential effectiveness, and attempts from the state of infiltrating or co-opting the organisations are restricting the CSOs potential, as it weakens the organisations ability to pose an independent voice (Diamond 1994).

Thereby the research question of the thesis is: **What characterises the relationship between the women's movement, as part of civil society, and the state in Uganda, Kenya and South Africa?** This investigation leads to a discussion of how the relationship with the state has influenced the women's movements ability to pressure and influence the state in policy formation for improved women's rights and gender equality.

The thesis is structured into eight chapters. This first chapter has been the introduction to the thesis. The second chapter engages in defining and conceptualising the central concepts of the thesis; democracy, civil society and women's movements. The third chapter represents the literature review and it engages in what previous researchers have found and argued about character of democracy, civil society and women's movements in Africa. Further, the literature review looks into what other researchers have found about civil society in Uganda, South Africa and Kenya. The fourth chapter presents the research design. The fifth, sixth and seventh chapters represent the thesis analysis. These chapters engage in an exploration of the relationship between the women's movement and the state in Uganda, Kenya and South

Africa in separate chapters. The chapters investigate what characterises the relationship between the women's movements and the state. Further, the chapters discuss to what extent the women's movements have been able to influence the state on policymaking, for improved women's rights and gender equality. The eighth chapter is the thesis conclusion, which presents the main findings of the research by comparing the three cases.

Chapter 2 Conceptualization

2.1 Introduction

This chapter explores and defines the concepts relevant to the study of this thesis. In research, it is important to thoroughly define the concepts that are made use of. Birch (1993:1), states that the choice of concepts and wording in research are never value-neutral. The ways in which concepts are applied, often determine the conclusions that are reached about reality. Concepts applied in political science debates often contain within them ambiguities and vagueness, that might give rise to confusion if not properly defined (Birch 1993:2). This chapter is, therefore, devoted to clarifying and defining the central concepts of this thesis. As the research focuses on the relationship between women's movements and the state, and the way women's groups can pressure the state and have influence on the democracy in the country, the critical concepts are 'democracy', 'civil society' and 'women's movements'. The first part of the chapter engages in defining the concept of 'democracy', next the notion of 'civil society' is explored, before the last section engages in defining 'women's movements'.

2.2 Defining Democracy

Stromberg (1996), states that today, democracy is often treated as the only accepted form of governance. Further, democracy is commonly portrayed as something that can save people and countries from all its problems. Though commonly applied in all kinds of discussions, the concept is highly debated. The definitions of democracy are often unclear and scholars disagree on what the notion do, and do not entail (Stromberg 1996). Stromberg (1996:5), states that the term democracy risks turning into a word without any meaning if it is applied without proper defining.

Democracy is a concept that is highly value laden, and applying the term often evokes strong emotions. Bangura (1996:98) places democracy and authoritarianism as two opposing poles. In today's world, determining something as 'undemocratic' is a serious allegation evoking bad connotations, and by characterising something as 'undemocratic' it can even be insinuated that that it is also 'evil' (Stromberg 1996:3). Though democracy is often accepted as exclusively and unquestionably 'good', democracy as a form of rule also contain within it weaknesses, or shortcomings that are important to keep in mind (Stromberg 1996:4). It is

important to question the often uncritical acceptance of democracy as the only legitimate form of governance, especially when seen in relation to non-western contexts.

“A democratic state claims to represent the whole of the community and to act on its behalf “, Grugel states (2002:92). In a democracy all citizens must equally hold the right to “govern themselves” within the democratic system (Bratton and van de Walle 1997:11).

The concept of democracy is derived from ancient Greece and the word denotes ‘rule by the people’. However, the definition of democracy today differs from that which was developed by the ancient Greeks. The modern concept of democracy, and for example the modern idea of the rights of the individual, was very different in the original conceptualisation of democracy (Birch 1993:45). In ancient Greece, democracy denoted direct political participation. However, only a small segment of the population was given political rights and, as such, granted access to direct involvement and direct voting on political matters (Stromberg 1996:10).

The modern conceptualisation of democracy, evolved during the nineteenth century, and came to replace the direct form of democracy, in exchange for a form of representative democracy (Birch 1993:45). It is today generally accepted that democracy does not denote the direct involvement of citizens in decision-making. Rather, in a democracy, citizens ‘sacrifice’ direct involvement in decision-making by electing representatives that are to work for their interests (Bratton and van de Walle 1997:11). As such, democracy denotes the government of “popularly elected representatives” (Stromberg 1996:8).

For a democracy to work, the political elite in the country needs to be willing to uphold and respect democratic values and practises, as well as to provide democratic institutions. In addition, the citizens of a democracy must demand democracy and democratic processes. The active involvement of citizens is necessary for democracy to work (Bratton et al. 2005:28-29). Popular support for democracy is a precondition for the consolidation of democracy alongside the development of formal democratic institutions. Both are necessary, but neither is sufficient alone (Bratton et al 2005:26-27). When popular demands for democracy by the citizens are met by the provision of democratic institutions and practises by the political elite, the result is “stable or established democracy” argues Bratton et al. (2005:28-29).

Generally, the most important characteristic when defining democracy relates to elections. Periodic competitive elections must be held, in which citizens freely can elect their leaders in a context of civil liberties and open debates. Elections are not enough to ensure democracy, however, it is generally accepted as the most important precondition for democracy (Bratton and van de Walle 1997). Some researchers treat regimes as democracies if they hold periodic competitive elections, and if there is a possibility that the incumbent government might be replaced through the elections (Przeworski et al. 1996.)

The term democracy is often used in combination, or confused with, other concepts and ideas (Stromberg 1996:7). Birch (1993:46), states that when discussing democracy it often arises a confusion about democracy as ‘a system of governance’ that is a ‘set of democratic political institutions’ and democracy as ‘social relationships’ which gives rise to ‘a democratic society’. Stromberg (1996:10), perceive this as a confusion between democracy as a procedure, e.g. majority rule, and democracy as a result, a society of equality. A ‘democratic society’ denotes a society in which equality, and equal opportunities for all citizens is a goal. In this situation, the word ‘democratic’ has been extended to imply ‘social equality’, rather than a system of governance. People at times present themselves as supporters of different kinds of democracies when they attach additional characteristic to the democracy concept. This gives rise to such combination of concepts such as ‘social democracy’, ‘liberal democracy’ or ‘people’s democracy’. However, Birch (1993:46) highlights that for example ‘social democracy’ is in fact a political ideology. This specific political ideology adheres to certain social policies, such as specific economic policies, within the framework of democratic political institutions. People with different ideological ideals adhere to democracy. For example, both communists and free-market promoters alike define themselves as democrats (Stromberg 1996:10). Making use of the term democracy is often a political exercise, as the notion is used to justify various arguments and action at different times and in different situations (Stromberg 1996:4). Stromberg (1996:5) highlights that today, democracy is often treated as a synonym of ‘liberal democracy’, implying values such as “free speech, religious tolerance, the rule of law”, and even free-market policies, although the notions of democracy and liberalism did not evolve symbiotically. Democracy is not synonymous with equality. The governance by popularly elected representatives, or majority rule, is not a barrier against the suppression of minority groups (Stromberg 1996:7-8).

Although the notion of democracy relates to rules and institutions, its survival and strength are related to the forms and nature of the social and economic policies and characteristics that surround the regime (Bangura 1996:98). For example, Bangura (1996:98) argues that the degree of freedom enjoyed by civil society and other organisations is determining the strength and sustainability of the democracy. In scholarly debates democracy is often presented at different levels in a consolidation phase. Different scholars and researchers operate with different classification-methods and categories. Bratton et al. (2005:31), states that the character, depth or consolidation of democracy is reflected in the level of popular democratic awareness of the citizens. The familiarity that people have of political terms, such as the term 'democracy', is an indicator of how well the regime is consolidated. If people hold a low degree of familiarity with political terms, such as 'democracy', the regime is probably to a low degree consolidated. Bratton et al. (2005:31), further states that in countries with only brief experiences with 'liberalized autocracy', deep understandings of political terms are unlikely. As a result of the political engagement of African citizens during the 1990s, people are likely to have become more aware of, and express familiarity with, political terms such as 'democracy', and to state values rejecting autocratic processes and regimes (Bratton et al. 2005:32).

Stromberg (1996:6), argues that the notion of democracy is generally accepted as an ideal type, and that it is rarely expected that the reality should reflect the ideal type one hundred percent. Democracy is never perfect and will never reach its ideal form in real life (Bratton et al. 2005:28).

2.3 Defining Civil Society

The concept of 'civil society' gained a renewed focus in the beginning of the 1990s from scholars, activists and politicians (Diamond1994:4), and has, as such, also gained renewed relevance in both political science and policy discourses (Bratton 1994). Increasingly, civil society has come to be treated as an important determinant of the success of democratisation. The stated relevance and importance of civil society is reflected in Diamond's (1994:8) statement that:

"Only with sustained, organized pressure from below, in civil society, can political and social equality be advanced, and the quality, responsiveness, and legitimacy of democracy thus be deepened" (Diamond 1994:8).

Civil society is often described as a 'force for good', consisting of the people fighting against evil (mostly the evil state), and for the public good (Diamond 1994). It is, as such, treated as a counter hegemonic force (Chabal and Daloz 1999). It is an unclear term, as it is often used just to describe groups of people working for 'good things', argues Carothers (1999:18). However, many researchers have pointed out that the notion of civil society has greatly been romanticised, or glorified, to such an extent that the notion has been devoted more significance as a potential for positive change than what has been seen in reality (Diamond 1994, Chabal and Daloz 1999, Lewis 2001). Carothers (1999:17-18), states that civil society has become a popular buzzword for politicians and researchers. In addition, Lewis (2001:3) and Bratton (1994:2) argue that the term is principally a theoretical concept that is difficult to use when studying real life situations. Allen (1997:337), argues that the notion of civil society is more important to researchers and non governmental organisations (NGOs), than what it is to citizens of democracies.

With a renewed focus on civil society from the 1990s onwards, Bratton (1994:2), argues that the perhaps uncritical exportation of the concept to the African context might represent problems. The relevance of the concept might be questioned if the concept is not soberly discussed, and examined against the backdrop of the context in which it is to be used. There is confusion about what the term civil society really implies (Lewis 2001:3). The reason why researchers have stated that the importance of civil society is overrated, might come from the fact that there exists no clear and agreed upon definition of what civil society is, and what it is not. Various researchers and scholars devote different meanings to the term (Lewis 2001:3), and include different kinds of organisations in society under the umbrella- term civil society. Different definitions of the concept are often vague and conflicting (Chabal and Daloz 1999).

2.3.2 The history of the concept

The term civil society is an old concept (Lewis 2001:3) and can be traced to both Liberal and Marxist writing in Europe. Tocqueville and Gramsci are often cited as influential in relation to the development of the concept (Bratton 1994:1). Although Tocqueville did not use the term civil society, his thought on associationalism in the US in the 19th century has been important in debates on civil society (Young 1994:33). Tocqueville described "independent associational life" built on community-spirit (Lewis 2001:2). He focused on voluntary actions

and the promotion of the democratic citizen (Bratton 1994:1). Further, he imagined “a mass of people turning into one political body” (Young 1994:33). Tocqueville pictured community associations as a balancing force against the state. The societal organisations were, by Tocqueville, seen to protect society from the domination of the state, by working to hold the state accountable. This thinking outlined a desirable situation where a power-equilibrium was created between the citizens, the market and the state (Lewis 2001:2).

Gramsci, the leader of the Italian Communist Party in the 1930s (Birch 1993:37), described civil society as a sphere where ideological encounters take place (Young 1994:33). This sphere, he described as distinct from the state and the market. Gramsci argued that it was from within civil society that counter-hegemonic forces could arise (Lewis 2001:2), and challenge the state (Bratton 1994:1).

Lewis (2001:3-4), points to some civil society studies in Japan in the 1960s in the ‘Civil Society school of Japanese Marxism’ and in Latin America in the 1970s the notion gained attention from activists that were fighting against authoritarianism. In the 1980s, Eastern European intellectuals picked up the notion in relation to “anti-totalitarian struggle”, however, the notion of civil society only gained a more renewed global relevance from the early 1990s onwards (Lewis 2001:3).

Renewed interest in civil society in the early 1990s was derived from various factors. First, Bratton (1994), argues that the end of the Cold War created a situation in which the foreign policies of western countries changed, as they were no longer as willing to uncritically support authoritarian states. The alliance with (often corrupt) African leaders was less important for western countries as the cold war came to an end (Chazan 1996:224). In addition, greater political pressure for democratisation emerged within authoritarian states in Africa in the 1990s, prompting a greater focus on, and interest in the role of civil society (Bratton 1994:1). As part of the liberal agenda, the 1990s saw a greater focus on “competitive market economies”, and pressure for democratization resulted in civil society reemerging as a critical field of interest (Lewis 2001:3). As some scholars pointed to a seemingly decrease in civil society activities in advanced capitalist countries, debates increasingly gave attention to civil society in African countries (Bratton 1994:1). Civil society was treated as a tool in the process of “building better-managed states, with more responsive services and just laws, and improving democratic institutions and deepening political participation” (Lewis 2001:3).

Dicklitch and Lwanga (2003:483), however, argues that from the early 21st century, the interest in civil society decreased somewhat because civil society were found not to be the super-recipe for creating development, justice and end mismanagement.

2.3.3 Definition

Diamond (1994:5), defines civil society as the organised activity of social groups that work for the presentation and expression of collective “interests, passions and ideas”, and for the interchange of information in the public sphere. Civil society is different from the overall society, because it consists of people working with organised, collective and voluntary activity (Lipset 1994). It is based on a foundation of community spirit and norms. Civil society represents a domain placed in-between the private sphere (the individual or the household) and the state (Bratton 1994:2). Civil society organisations (CSOs) can vary in character and size, and they can work with political issues or be strictly apolitical. Further, CSOs can be local, or national in scope (Bratton 1994:2). The ultimate goal of civil society is to reach collectively held objectives, by making demands towards the state, and attempt to hold the state accountable (Diamond 1994:5). Civil society seeks “concessions, benefits, policy changes, relief, redress or accountability” from the state, but it does not aim to take control over the state (Diamond 1994:6).

The ultimate task of civil society is to monitor, control and limit state power. It is the basis for which the society can control the state. In developed democracies this implies scrutinising the activities of the state, and in developing democracies, or authoritarian states civil society is a tool in the democratisation process (Diamond 1994:7). Civil society monitors the state through observing and investigating its actions and thereafter making their findings known for the public. A strong civil society is working to make it hard for the state to hide away repression, corruption and abuses of power (Bratton 1994:10).

Civil society contributes to encourage wider political participation by the citizens (Bratton 1994:9), and create a political culture that recognises democratic values (Diamond 1994:7). Bratton (1994:2) states that a successful civil society must be based on such values as trust, reciprocity and inclusion, and furthermore civil society should also work to promote such values. Diamond (1994:7), talks about the role of civil society as increasing the “skills of democratic citizens”, by making people value and recognise both the obligations and rights

that citizen's hold in a democracy. This includes promoting such values as a readiness to negotiate and reach compromises, and to tolerate and have respect for different views and opinions. Through the promotion of such values, a stronger democratic culture is likely to emerge. Diamond (1994:9), states that as people come together to work collectively towards common goals, other differences or cleavages between people might become overshadowed and eventually `forgotten`. "A healthy democracy is founded on a plurality of organized social groups through which citizens learn the art of associating together, practice the procedures of democratic governance and express group interests to policy makers" (Bratton 1994:11).

Civil society provides an arena outside the state and party politics, in which people more easily can express and discuss their different viewpoints (Diamond 1994:8). One especially important attribute of civil society is the mobilisation, and inclusion of traditionally marginalised or precluded groups and minorities in society (such as for example the poor, women or racial minorities) (Bratton 1994:10). A free press and independent organisations provide information to people that is enabling them to better understand, and thereby participate in political activities and discussions (Diamond 1994:10). A pre-requisite for political involvement is an environment that encourages activity. Civil society works to encourage political participation, and it also creates a forum in which people can discuss and debate political matters. In addition, civil society's public communication, publishing and educational side enables people to access information and learn about issues that are important in order to be able to participate. The media, as such, play an important role (Bratton 1994:2).

Direct democracy building functions of civil society is reflected in the work of non-partisan observers and monitors of the state and elections, such as think tanks, the media etc. Participation in, for example, election monitoring or mobilisation for changes in election procedures, decentralisation, transparency or accountability within the government, is examples of activities that might directly contribute to greater democratisation (Diamond 1994:10). Civil society contribute to creating political accountability, as it is devoted to monitoring the state, and create a space in which citizens can communicate, be represented, negotiate and ultimately be heard (Bratton 1994:10).

A by-product of the working of civil society is eventually the education and ‘recruitment’ of new political leaders (Diamond 1994:9). Through involvement in civil society, potential new political leaders can emerge as they gain skills in activities important for political work, organization and mobilization.

2.3.4 What civil society is not

Civil society is described by Diamond (1994:5) as a link between the private sphere and the state. As such, Diamond (1994:5-6), argues that CSOs per definition is concerned with public rather than private ends, as such, private groups, such as, family and what Diamond calls “inward-looking groups” like groups for recreation, entertainment or groups for spiritual ends, are excluded from posing a part of civil society. Likewise, individual profit making schemes or firms does not qualify as a part of civil society. A person’s motivation for engaging in civil society may possibly be based on an aspiration for private advantages rather than by ethical values, but the activity of civil society as a whole is per definition collective activity in order to reach commonly held goals (Bratton 1994:3). In addition, CSOs engage with the state, but they do not seek state power (Bratton 1994:4). Political parties are, thereby, excluded, because their goal ultimately is to gain state control, which disqualifies them as fitting Diamond’s definition of civil society organisations (Diamond 1994:7). In order to be included in the definition of civil society in Diamond’s conceptualisation, the group or organisations must engage in collective action in the public sphere for collective goals (Diamond 1994:5). CSOs might possibly align with political parties at occasions, they must, however, take careful measures as not to get ‘captured’ into the party, and thereby lose their autonomy and ability to serve as an independent mediating actor between society and the state (Diamond 1994:7).

2.3.5 What civil society is

Civil society is pluralistic, and made up of a wide range of different CSOs working on a multiplicity of issues (Diamond 1994:7). No organisation represents all the interests of a person. Different viewpoints, political differences and cleavages in society at large are represented within civil society as well, and civil society provides the basis for the discussion of such issues. These organisations coexist within civil society, and are not organised in any hierarchical manner. A great diversity of different organisations within civil society is an indicator of a strong civil society. “A healthy civil society is a multi-stranded web of cross-cutting channels of communication” argues Bratton (1994:3). Ideally, civil society should

represent and reflect a diversity of different groups, people and different views and opinions (Bratton 1994:11). Examples of different CSOs are labour unions consisting of workers engaged in, for example, production, professional associations, for example, lawyer associations, student unions, cultural groups, groups working with education and information and the promotion of public education and knowledge, issue-oriented groups working with for example women's rights or environment issues, groups working with developmental tasks or groups concerned with improving and monitoring democratic processes, such as, election monitoring (Diamond 1994:6, Dicklitch and Lwanga 2003:486).

2.3.6 Civil Society and Democracy

Several scholars argue that a strong civil society is crucial for a functional democracy (Bratton et al 2005, Grugel 2002, Mafeje 1998). For a democracy to fully function, the people must play a role in order to work to hold the leaders accountable. Civil society holds the role as the critics of "state domination" (Bratton 1994:1), as it works to restrict state power and abuses of that power (Diamond 1994:5). In Grugel's view (2002:93), civil society is closely connected to democratisation, as he sees civil society as groups that take action to "support, promote or struggle for democracy and democratisation". The prospects for democracy seem to be better in countries with a strong civil society (Mafeje 1998). As such, many scholars (Bratton et al 2005, Grugel 2002, Mafeje 1998) argue that the quality of democracy is largely dependent on the strength of civil society: "Responsive and effective government can only be built on a foundation of civic community" argues Bratton (1994:9).

Chabal and Daloz (1999), states that civil society is often presented as working against the predatory state. However, the relationship between civil society and the state should not be seen as one of competition. According to Diamond (1994), civil society should not be seen as in natural opposition to the state, rather; civil society "needs to be autonomous from the state but not alienated from it" (Diamond 1994). Diamond (1994), further, argues that the relationship between civil society and the state should be seen as one of negotiations rather than competition. Through discussion and debate, civil society works to determine to what extent the policies and decisions made by the politicians are accepted in society. Civil society is, as such, a factor that shapes the political culture and the level of political consent within the population (Bratton 1994:9).

2.3.7 What civil society needs

In order for civil society to be able to operate and engage in constructive actions, its actors need to be secured by a framework of laws, and an institutional order, guarding the organisations autonomy, and their freedom of speech and action (Diamond 1994:5). Civil society cannot perform its most important tasks of creating debates and open communication unless it is secured some degree of freedom (Diamond 1994). In a situation with great repression from the state, people fear for their jobs and security, if perceived as opposing the state by engaging with civil society (Gyimah-Boadi 1996:1279). The state might seek to incorporate CSOs that it finds challenging the state, thereby limiting the CSOs potential to criticise and oppose the state (Diamond 1994:11). The autonomy of the civil society is important in a democracy so that the state does not totally dominate society (Lipset 1994). Civil society needs “autonomy from the state in financing, operations and legal standing” (Diamond 1994:13).

Dicklitch and Lwanga (2003:485), warns about overestimating the potentials of SCOs. The successful action, and positive results, of organisations are determined by the activities and values of its members and leaders, as well as the context in which it operates, that is, the characteristics of the state and the society. CSOs, as such, function differently in various structural, cultural, and legal environments and contexts (Dicklitch and Lwanga 2003:485).

2.4 Defining women’s movements

Although women do not represent one heterogeneous group, women’s movements represents terrains in which women express and address collectively held interests and concerns deriving from their socially defined roles as women. Beckwith (2000:437), defines women’s movements as composed of a range of organisations that are concerned with improving women’s socio-political status, and address challenges that derive from their “gender-identity” and status as women. Women’s movements work as to counteract the power relations that derive from unequal gender relations which restrict women’s opportunities (Beckwith 2000:437). Women’s movements are comprised of a variety of organisations that hold the advancement of women’s status and rights as their primary concern (Tripp 2004:14). Women represent the largest share of the constituency that the movement mobilises and represents, but is not exclusive of male participation. Within civil society the women’s movement serves as to take up for debate concerns by women, deriving from their status as

women, and further work out and adopt strategies for the improvement and protection of these needs and concerns (Beckwith 2000:437). These relate equally to the economic, political, cultural and legal status and rights of women (Tripp 2009:14). Within the women's movement, various women's organisations work within a wide range of different focus areas (Goetz and Hassim 2003:43). Women's organisations are for example engaged in the provision of social services, education and leadership training, financial support schemes and economic empowerment, political advocacy etc. The women's movements also include locally based informal and formal organisations (Tripp et al. 2009:2). The various women's organisations are united into the women's movement through their common focus on working for the enhancement of women's rights, protection of women's needs and for working to combat inequality between men and women (Tripp et al. 2009:15-16). However, not all women activism forms part of the women's movement. The definition of women's movements excludes the activities undertaken by women within other forms of sociopolitical organisations, for example within nationalist movements, or labor unions that does not consider gender relations as a central issue for the organisation and have men dominating the leadership positions (Beckwith 2000:436-437).

Women's movements seeks to pressure the state in order to influence policy making on both the constitutional and legislative level, for the enhancement of women's rights and gender equality, in addition to working for greater inclusion and representation of women within the political debates, the government, and the state (Tripp et al. 2009:81). Women's organisations seeks to confront the state in order to bring about changes in the legal status of women in relation to a variety of issues, for example such as violence and sexual harassment in the home, "reproductive rights, sex education in the school curriculum, female genital cutting" etc. (Tripp et al. 2009:88). As the women's movements work to pressure the state to take action for increased gender equality, they demand from the state the development of a 'national gender machinery'. National gender machineries are institutions and mechanisms put in place in order to work for the enhancement of women and secure women's rights. The national machinery should also involve the development of an agenda that are to promote gender equality (Tripp et al. 2009:167). Further, the women's movements seek to influence the state to mainstream issues of gender in their formation of policies. The notion of gender mainstreaming implies that measures to reduce discrimination based on gender, and the promotion of equal rights and gender equality should be taken within all levels of policymaking and in all policies adapted (Tripp et al. 2009:172).

Women, and women's organisations do, however, not necessarily have the same interests. 'Women' do not represent one homogenous group with similar concerns and interests, rather women are a heterogeneous category of people which have many differences, for example in relation to "race, class, ethnicity, nationality, generation and religion" (Beckwith 2000:431). Thereby, Goetz and Hassim (2003:43), state that "coherent women's movements" are sometimes hard to find within civil societies. However, the strength of a women's movement is often determined by the variety of interest and issues taken up, the amount of women's organizations and the extent of their constituency. The visibility of the women's movement in advocating for women's rights within the public debates is also an indication of the women's movements strength (Goetz and Hassim 2003:43). Further, the ability of women's organisations to cooperate and unite around common goals indicates the strength of the women's movement (Goetz and Hassim 2003:43).

2.4.2 Political opportunity structures

The way in which women's movements strategise their actions and the possibilities available for communication with the state are greatly determined by the 'political opportunity structures' present at a particular time (Beckwith 2000:439). Barriers to effective working for the women's movement are at times present, but at other times the political context might be more preferable for the successful working of the women's movements. Women's movements effectiveness and strength is largely determined by the socio-political environment in which it operates (Goetz and Hassim 2003:39). The specific political opportunity structures at a given time might promote women's movements activities, and further the political opportunity structure affects the way in which the women's movement structure their activities as they plan their strategies in relation the political environment in which they operate (Beckwith 2000:446).

The political opportunity structures affecting women's organisations at a given time, are determined by such factors as the possibilities available for political participation, the presence of possible sympathetic actors with which the organisations can cooperate, and the level to which the state is determined to, or restrain from suppressing opposition (Beckwith 2000:447).

At times women's movements relationship with formal politics and the state are conflicting and constrained (Beckwith 2000:442). This creates restrictions on how the women's movement can in fact work. In order for women's movements to be able to operate effectively a state open for the participation of CSOs is necessary (Goetz and Hassim 2003:42). Beckwith (2000:453), highlights that states holds the potential to either encourage and promote, or oppose and restrict CSOs workings. The strength of the state and the stance it takes in relation to civil society, greatly determines in what ways civil society operates, and what strategies it has available for the enhancement of its interests (Goetz and Hassim 2003:60). Repression of civil society from the state greatly discourages women's movements possibilities for effective working. Beckwith (2000:451), states that women's movements are often weak in situations in which the state is determined to control civil society. In such situations, the women's movements need to frame their agenda and activities with these specific conditions in mind. A constrained relationship, and restricted channels of communication between the women's movement and the state might necessitate, and influence, the women's movement to take a confrontational stand towards the state through arranging demonstrations, riots or boycotts, whereas a situation with good relations between the women's movement and the state often gives rise to less confrontational strategies applied by the women's movement (Beckwith 2000:446).

Women's movements need some degree of freedom, and liberties in order to operate effectively, however, the presence of democracy does not necessarily secure gains in improved gender equality and women's rights, or the access to political positions by women (Goetz and Hassim 2003:49). Beckwith (2000:440), however, states that the existence of political parties, and the strength and freedom of the opposition within the democracy, can affect to what extent women's movements are able to reach successes. For example, the existence of opposition political parties sympathetic to the women's movements agenda might help the women's movement in being able to more strongly advocate for their interests (Beckwith 2000:440).

The political opportunity structures are changing in relation to changes in the political sphere. Changes taking place in the political arena often represents periods of uncertainty, which gives rise to new opportunities from which women's movements can take advantage. For example the women's movement might strategise on a situation in which signs of divisions between the political elite become apparent. Further periods of regime change and political

transitions often represents times in which the women's movement might make use of changes in the political opportunities structures (Beckwith 2000:447).

Although the autonomy of CSOs are held as crucial for their effective working, some form of connection and communication with political actors are necessary for women's organisations to have any possibility of affecting policy formation (Beckwith 2000:44). However, there is a fine line between good connections to political parties or the state, and the outright co-optation of the women's organisation by the political actors (Beckwith 2000:445). Beckwith (2000:451), highlights that the choice between autonomy and involvement with political actors represent a dilemma for women's organisations. The women's organisation needs to strategically choose to what extent they should focus on the protection of their autonomy, and to what extent they should engage in co-operative arrangements with political actors in relation to the political environment at the given time. A focus on keeping their organisational autonomy guards the organization from being co-opted by political parties or the state, however, at times loosening the focus on autonomy might be necessary in order to be able to reach out to, and influence, the state (Beckwith 2000:452).

Under different circumstances the necessary or most effective ways of addressing the state vary. At times, a confrontation stand might be effectual, but in other situations focusing on a more non-confrontational and cooperative strategy might be necessary (Beckwith 2000:447).

2.5 Conclusion

This chapter has highlighted that democracy today is often treated as the only right way to structure a polity and the only acceptable form of governance. Grugel (2002:92), argues that a democratic state works to represent the citizens, and for the promotion of their interests. Democracy denotes that people elect leaders to positions to be representatives of the citizens. In this regard elections symbolise the fundamental foundation for democracy, although elections are not sufficient for the consolidation of democracy. The term 'democracy' is often used as to describe both what Stromberg (1996:10), calls democracy as a procedure, that is a system of majority rule, and democracy as a result, which is a society of equality in which equal opportunities for all citizens is the dominant value.

For the consolidation of democracy, the citizens must demand democracy. In this regard, civil society is pictured as an important actor. Civil society is a domain between the private sphere and the state, and it represents a sphere in which people participate as to enhance collective interests and to monitor and control state power and hold the state accountable. According to Grugel (2002:93) civil society works to “support, promote or struggle for democracy and democratisation”.

The activities of civil society enhance both democracy as a procedure and democracy as a result. It is pressuring for democracy as a procedure through performing watchdog- functions on the government, exposing power abuses and working for free and fair elections. In addition, civil society works as to improve the democratic culture and democratic society through pushing for political and social equality and equal opportunities for all citizens. Civil society is, as such, pictured as a force working for the improvement of democratic institutions, an end to state mismanagement, more responsive leadership and laws and deepening political participation. Especially civil society is important in pressuring for improved conditions for marginalised groups, or people that have been in a subjugated position in society.

However, the notion of civil society has been criticised. For example Allen (1997:337), has argued that the notion of civil society is more important for scholars and in theoretical debates than what it is for the citizens in democracies.

Women’s movements represent terrains in which the collectively held interests and concerns of women, deriving from their socially defined roles as women, are expressed. Women’s movements are composed of a range of organisations that hold the promotion of women’s rights and gender equality as their goal. As such, women’s movements work to counteract unequal power relations between men and women. Further, women’s organisations target the state in order to influence policymaking, and pressure the state to take on a responsibility for enhancing greater gender equality through the establishment of institutions and mechanisms for increased women’s rights. Women’s organisations also work to promote greater participation of women in politics and for the acceptance of women in leadership, government and decision-making.

Chapter 3 Literature review

3.1 Introduction

This chapter represents the thesis literature review. The first part explores what previous research has found and argued about the state of democracy, the presence and role of civil society, and the role of women's movements within civil society in African countries. Further, the next section looks into what other researchers have found about the character of the civil society in the three countries of focus in this study, Uganda, South Africa and Kenya.

3.2 Democracy in Africa

Researchers highlight different aspects of democracy in African countries as important, however their combined research and argumentation often state that the democracy in most African countries are weak. Important and influential researchers that have been engaged in the debates about democracy in Africa are such as; Bratton et al (2005), Mutua (2009), Grugel (2002), Chazan (1999), Gyimah – Boadi (1996), Makumbe (1998) and Brown and Kaiser (2007). Much research on democracy in Africa focuses on the fact that the development of democracies in African countries followed a path quite different from that of the western democracies. Grugel (2002), states that democracy as a form of rule was imposed on African countries from the outside, as it was the colonial era administration that laid the basis for the functioning of the post-colonial states (Grugel 2002). Following this reasoning, Mutua (2009), also argues that democracy did in fact not develop in a democratic way in African countries. As democracy was imposed by the colonial powers at the time of their independence democracy originated in an undemocratic and illegitimate way, and further African countries have not yet developed their own form of democracy that fits its conditions, argues Mutua (2009).

The appropriateness of democracy in Africa has been subjected to debate. Bratton et al (2005) highlight that literature on democracy in Africa often argues that democracy as a form of rule is not functioning. It has been questioned to what extent democracy is actually suitable or even desirable in the 'African context'. This is based on a reasoning which states that the African reality is somewhat different from that in Europe, where the concept of democracy originally emerged. African countries are portrayed as being different from the European countries, and, as such, researchers and scholars have questioned to what extent democracy

fits the 'African reality' (Bratton et al 2005). Chazan et al (1999), focus on the fact that the development of democracy on the African continent got off to a slow start as many countries adapted one party systems, restricted political opposition, and neglected the overall populations civil liberties and rights, which lead to that the state increasingly came to be seen as an oppressor. Makumbe (1998) and Gyimah-Boadi (1996), however, points to a dramatic increase in political protests from within many African countries in the early 1990s. Political protests and pressure against subjugation, corruption and bad governance, emerged from various social groups within the state (Gyimah-Boadi 1996, Makumbe 1998:308). This increase in political protests, in addition to external pressure for democratisation, is what resulted in African leaders taking action to broaden the political sphere and increasing people's opportunities for taking part in political activities, argues Bratton et al (2005:15) and Chazan et al. (1999). This included introducing multiparty politics and elections, and allowing political parties, opposition and the media to operate more freely (Chazan et al 1999).

Bratton et al (2005:15), argues that the changes which occurred in many African countries during the 1990s were the "most significant political shift on the continent since independence". Gyimah-Boadi (1996:118), describes the 1990s in Africa as a process including a "decriminalization of dissent", and according to Brown and Kaiser (2007:1144), the 1990s involved a relative improvement in the freedom of speech and association for civil society as well as a higher level of acceptance of opposition.

However, despite relative improvements and increased civil and political liberties, several researchers have argued that democracy is still to a large extent weak in most African countries. Bratton and van de Walle (1997), finds that the political changes in Africa in the 1990s, happened so fast that the depth of the real changes can be questioned, arguing that several political leaders tried to avoid the turn to multiparty politics, as they saw it as a threat to their own position. Brown and Kaiser (2007:1143), states that out of 40 multiparty elections on the African continent between 1989 and 1997, 25 were deemed to not have been conducted in a 'free and fair' manner and in only 12 of them were the incumbent governments replaced through the election. Thereby, Brown and Kaiser (2007:1143), argue that although African leaders took some measures as to democratise, they did so in a manner that would not threaten their position but rather ensure their further hold on power. This leads Tripp et al (2009:8) to state that many African states were stuck in positions in-between authoritarian rule and democracy.

Bratton et al. (2005:19), finds that the introductions of multipartyism and political openings in many countries did not last for long, further stating that in many instances the development of democracies in African countries has actually gone in reverse. As many African states are weak, they have often attempted to control its population by means of repression, Bratton et al (2005:19), states. Chazan (1999:68), argues that politics in many African countries have come to be characterised by the personalisation of power, implying that one powerful president or a powerful political elite controls the national resources (Chazan 1999:68). Gyimah-Boadi (1996:126), Makumbe (1998:311), and Brown and Kaiser (2007), finds that the neopatrimonial nature of many African states is a major hindrance to democracy in a range of African countries. The neopatrimonial nature of many African states implies that they are often using the means of repression or co-optation of dissidents (Gyimah-Boadi 1996:126). Further, factors such as corruption and nepotism work to the disadvantage of a functional civil society, argues Makumbe (1998:311). Chazan et al (1999) states that there is a neglect of the overall population from the political leaders (Chazan et al 1999). Bratton et al. (2005) argues that the neopatrimonial system of governance is favourable to the political elite which, as such, is often unwilling to promote equitable changes. Political elites are neglecting the needs of the population, in their own pursuit for political power and prosperity. Further, Bratton et al. (2005), argues that the biggest threat to democracy in Africa today, is that political leaders are not accountable, because they are more concerned about staying in power than serving the people.

3.3 Civil Society in Africa

As democracy is regarded as weak in many African countries, the role of the citizens and the civil society to push for democratisation is an important area to study. The study of civil society, especially within African countries, gained a renewed relevance in the early 1990s (Bratton 1994:1), however, researchers have reached different conclusions about the relevance of civil society in Africa, and the topic is subjected to debate. Several researchers have been engaged in the debates about civil society in Africa, such as: Bratton (1994), Lewis (2001), Mutua (2009), Chazan (1999), Gyimah-Boadi (1996), Makumbe (1998) and Chabal and Daloz (1999).

Different researcher has found varying results and evidence as to the presence and effectiveness of civil society in African countries. The real potential that the civil society in African countries holds in being able to reverse undemocratic trends, and strengthen democracy, is subject to debate. Chabal and Dalos (1999:18), argue that no real civil society exists in Africa, at least not in the western meaning of the term. They argue that it is difficult to identify a strong independent civil society in African countries, since what is called civil society is often interwoven in the neopatrimonial networks of the state. Chabal and Dalos (1999:18), finds that the problem with discussing civil society in Africa stems from the fact that states usually are so weakly institutionalised that no clear distinction between an autonomous civil society and the state can be found.

On the other hand, Bratton (1994), contradicts Chabal and Dalos' (1999), arguments and states that within various African countries functional civil societies do in fact exist that seek to pressure the state and influence policy. While proclaiming that many African states do in fact have functional civil societies, Bratton (1994), states that discussions on civil society in Africa should acknowledge that the concept of civil society needs to be treated with care, as it is adapted to a different environment than where it originally emerged. One must recognise and accept that civil society in African countries works, and is constituted differently than those in Europe. Different living- and socio-economic conditions, cultural differences, and different historical contexts in Africa and Europe mean that one must pay attention when adapting a concept that emerged in Europe. The concept must be adapted, modified and treated in such a way that it recognises and captures the realities of the African countries, argues Bratton (1994:1). The socio-economic conditions that the majority of citizens in African countries live under, cannot be compared to that of the people living in the Western parts of the world where the notion of civil society first emerged. Economic problems, international debt and bad living conditions are some of the problems facing many African countries. Further, Bratton (1994:10) argues that the consolidation of the democracy in place, or possibly the stage of political transition, affects both the strength and the activities of civil society (Bratton 1994:10).

Lewis (2001:3), highlights that the term civil society and what it contains vary in different historical, economic and cultural contexts. Further, Diamond (1994:5-6), highlights that in situations where the state is not respecting individual's and group's freedom and autonomy,

and where laws are not upheld, civil society will typically struggle to operate and survive. The civil society in such countries can, as such, be expected to be quite weak.

Several researchers point to the many challenges that the civil society in many African countries face that inhibits its potential to perform the watchdog functions that civil society is thought to have. Gyimah-Boadi (1996:120) and Makumbe (1998:306), highlight that civil society in African states had to a great extent been repressed throughout the colonial era as the colonial powers worked to do away with what could be a reminder of resistance by civil society groups. In addition, Mutua (2009), Chazan et al (1999), and Makumbe (1998), argue that citizens in African countries have to a large extent been subjected to repression by the post-colonial state, as the state increasingly came to adopt repressive means (Chazan et al 1999).

Makumbe (1998), and Chazan (1996:229), highlight that the independent African states increasingly came to adopt authoritarian measures, and the relationship between the state and civil society in most African countries came to be characterised by repression rather than fair communication and interaction (Makumbe 1998). Although new voluntary organisations emerged after independence, many leaders opted for direct suppression of opposition and civil society (Chazan 1996:229).

Bratton (1994:5) argues that the co-optation of CSOs into the networks of the state is a tactic often used as an effective way to silence opposition (Bratton 1994:5). A common feature in African countries after independence was also, according to Chazan (1996:229), that political leaders took measures to institute their own societal organisations, such as trade unions or student organisation, as attempts to secure their positions, and effectively control the organisations. This ultimately resulted in a restricted sphere for action for the organisations. This also led to the establishment of neopatrimonial networks between the state and the organisations (Chazan 1996:229).

Chazan (1996:233), highlights that a present obstacle for many African CSOs relates to attaining financial resources, which brings about such dilemmas as how closely to engage with the government or donors. Bratton (1994:8) states that a weak economy in most African countries influences the successful working of civil society. When there is little money available from the economic sector domestically, CSOs come to depend upon either funding

from the government or from external donors. When CSO's are funded by the government, or dependent on funding from an external donor, their independence and autonomy are questioned. The CSO's risks working to please the donors rather than working for the interests of the original beneficiaries of the organisations. Reliance on external donors also results in that the organisation loses support within the population because it is seen as to work for alien interests (Bratton 1994:8).

Bratton et al (2005:14), argue that citizens in African states, have to a limited degree expressed openly their views on democracy and political matters. However, Chazan (1996:225-226) describes an increase in socially organised action in African countries, and increasing numbers and activity of voluntary associations, from the early 1990s (Chazan 1996:225). Because of deteriorating economic and social conditions, survivalist organisations and organisations demanding change emerged (Chazan (1996:230). During the 1990s civil society in Africa increasingly came to be thought of as the receipt of the restructuring of African states, and as a tool that was to represent the needed link between state and society in countries where the distinction between the public and the private had often been blurred. Civil society was in addition thought of as a tool to empower the citizens of African countries (Chazan 1996:226).

However, even though the political openings in the 1990s in African countries provided an environment with somewhat greater space for civil society activity, and even though the political changes on the African continent during the 1990s was to a great extent a result of pressure from the people, Mafeje (1998:4), argues that the people were mostly organised on the basis of what they were against, rather than what they were for.

Gyimah-Boadi (1996), and Makumbe (1998), argue that civil societies in African countries are still faced with major obstacles for acting successfully. To a large extent, laws are still passed with the intention of suppressing dissent (Gyimah-Boadi 1996:120). Examples of mechanisms of suppression can take the form of political registration processes, or outright violence or threats of violence (Makumbe 1998:307). Such laws are often presented as means by the state to keep public order and stability, but in fact work to curb freedom of speech, potential resistance, and the work of a functional civil society, according to Gyimah-Boadi (1996:120). Makumbe (1998), also finds that African governments often work to keep information secret so as to hinder civil society from attaining information that might work to

mobilize people into action through civil society (Makumbe 1998). An additional strategy pointed to by Gyimah-Boadi (1996:123), is that African states attempt to co-opt important civil society leaders through patronage networks or into the state in order to silence the opposition. In situations where civil society organisations have in fact become so strong that the government see them as a threat, it is not uncommon that the government bans these organisations (Gyimah-Boadi 1996:123).

Gyimah-Boadi (1996:126-127), argues that a political culture that enables the cooperation between the opposition and the state has not yet developed in African countries. He further finds that the relationship between the state and society is still not characterised by communication and freedom for civil society. Rather, a strengthened civil society is met by even stronger repression from the state. Where civil society is allowed to operate the state often takes measures to control them, giving the state the upper hand (Gyimah-Boadi 1996:125-127).

Devas and Grant (2003:309), further argue that “traditional structures of authority” in African countries can hinder people from direct confrontation or criticism of the government and involvement in political civil society. Bratton (1994:8) also states that many African countries are characterised by a culture that upholds practises of neo-patrimonialism and corruption. Bratton (1994:8), argues that this is allowed to happen due to great acceptance of authority and hierarchy in many African countries, thus making ‘big man rule’ and neo-patrimonial networks widely accepted. However, Bratton (1994:7) also highlights that the traditions and cultures in African countries might affect the likelihood of a strong civil society in different ways. For example, a tradition of adhering to “collective or social” groupings, such as identity, family or ethnic groups can serve as a positive backdrop for a vibrant civil society because people are used to think about the larger community and group solidarity (Bratton 1994:7).

Researchers such as Gyimah-Boadi (1996), Chabal and Daloz (1999), and Makumbe (1998), argue that civil society in Africa is generally still too weak to be able to confront the state on matters of crucial importance. The civil society is still not in a position in which it can really contribute to the democracies and perform the role as a watchdog that is holding the leaders accountable, argues Gyimah-Boadi (1996:120). However, Bratton (1994), highlights that civil society in African countries has been met by many powerful obstacles, and it is important to

remember that most African states have only been independent for some 50 years. Furthermore, it is important to acknowledge the specific context in which the African civil society operates, argues Bratton (1994). Makumbe (1998), states that one should not amortise civil society in African countries just yet, as in many places it is in a process of getting stronger. No matter the limits or weaknesses of (western style) civil society in Africa, Diamond (1994:5) urges to seek to identify the ways in which civil society can in fact be a factor determining the development and consolidation of democracy in African countries. One should, however, be careful of expecting civil society in African countries to work in the same manner as in the western parts of the world, states Bratton (1994).

3.4 Women and civil society in Africa

The role of women in politics, and women's movements within civil society, in African countries is a topic that is largely under- investigated. However, researchers that have been engaged in studying the role of women's movements in Africa are such as: Walsh (2008), Tripp (2009), Hassim and Gouws (1998), Geisler (2003), and Aubrey (2001).

Goetz and Hassim (2003:72), state that civil society represents the terrain through which goals of women's rights and gender equality is formulated and expressed. Civil society is the basis from which women's activists form women's organisations and attracts a greater constituency advocating for common goals. However, researchers such as Walsh (2008:43), and Aubrey (2001:87), have argued that the definition of civil society is problematic in relation to the involvement of women, because of the stark distinction between the public and the private spheres. In the first instance, women do not hold equal opportunities alongside men for the engagement in civil society in African countries, because of gender relations that places women predominantly in the domestic or household terrain, whereas men are more firmly placed within the public domain, argues Walsh (2008:43). Further, Aubrey (2001:87), states that the distinction between the private and the public does not adequately give room for issues of special importance to women, because women's concerns are often treated as to be of a private rather than public matter. Aubrey (2001:87) finds that within African states, women have traditionally been kept out of politics. To a great extent women have been restricted to the domestic sphere and the household, whereas men have dominated the political arena, both within government, political parties and civil society (Aubrey 2001:87).

Hassim and Gouws (1998:53) argue that the term civil society in itself is not “gender-neutral”, as it is based on the divide between separately public and private spheres. This type of distinction has the result of marginalising or obscuring women’s role in politics and within civil society. The definition of civil society excludes the private, e.g. the household and family domain as political, which in fact often is the sphere in which women’s challenges originates. Civil society is to a great extent occupied by men, because women are faced with obstacles from engaging in the public terrain, as a consequence of patriarchal structures and women’s subordinate status.

Gender divisions and gender roles, especially division of labor, inhibit women from participating as fully as men in civil society and the public sphere, argues Walsh (2008:61). He further states that women are socialized into accepting gender roles and the inequalities they create between women and men.

Tripp et al (2009:147), argues that the subordinate position of women and the unequal gender relations in the private sphere is transferred to the public and political arena. Women often have the main responsibility for the household, thereby facing challenges for being able to enter the political terrain (Tripp et al. 2009:148). Women and men do not engage in the political sphere on an equal basis and the perceived picture of women as domestic and men as political discourages women’s possibilities for equal engagement alongside men, argues Hassim and Gouws (1998:56).

Democracy is a system in which citizens are to ‘govern themselves’ through the election of representative leaders, and further all citizens should hold equal rights for participation. However, the exclusion of women from politics in African countries has detrimental effects and consequences for women, and the demands and concerns of a large part of the citizenry are neglected. Issues of concern to women are often treated to be of a private (domestic) matter and have thereby not been treated as of political relevance, argues Tripp (2001:109). Further, Goetz and Hassim (2003:49), state that the patriarchal relationship between women and men, and the problems it creates for women are not a subject for political discussions in the public sphere (Goetz and Hassim 2003:49). Geisler (2004:10), states that the exclusion of women from politics and the state often has been the root cause of an ignorance of women’s needs. Women have been restricted from using the state as a tool for the enhancement of their interests (Geisler 2004:10).

3.4.2 Women's movements in Africa

Geisler (2004:10), and Tripp et al (2009:166), finds that women's demands were often disregarded or sidelined in the post-colonial African states, giving women little opportunity for expressing demands or gain a say within the male dominated political sphere. Within the independent states, the new, often authoritarian, regimes largely attempted to restrict the independence and freedom of civil society. The women's movements were faced with challenges for engaging in politics. Authoritarian states often restricted the extent of political engagement that was actually possible, and the possibilities for successful engagement with the state by women's organisations were stalled, argues Tripp et al (2009:166). Geisler (2004:9), finds that the participation of women in politics in African countries was very low during the 1980s, and women faced obstacles for engagement because of patriarchal power relations. Further, although women had participated in the struggle for national liberation and independence, the new states did not focus on the promotion, or seriously addressed the need for women's rights and gender equality, argues Geisler (2004:24). Tripp et al (2009:2) highlights that women's organisations was largely restricted to working at the local level with self-help and developmental tasks, and was restrained from engaging in political advocacy. The effects of high degrees of repression and the male dominated, and largely authoritarian nature of politics, resulted in a stark separation between women's everyday lives and the issues that dominated the political debates. In addition, the political leaders often took measures as to control civil society and the women's movements. By creating national women's organisations which all other women's organisations were to be subordinate, the state attempted to control the working of the women's movements. As an effect, the women's movements in many African countries consisted of one large organisation that was closely connected to the state and the ruling party. Within these organisations, the leadership positions were often occupied by family members of the president or the political elite. As such, the women's movements effectiveness and independence was effectively restrained, argues Tripp (2001:109). Furthermore, Geisler (2004:25), states that women's organizations were often either created, or co-opted, by the dominant political party which thereby could control their functions. Rather than serving as independent organizations, these rather worked as tools for the state. Organizations closely connected to the state were often used to hinder the development and working of more independent and radical women's organizations that emerged trying to challenge the state and traditional norms on gender relations, Geisler (2004:25), states.

Tripp et al (2009:77), argues that in accordance with the pressure for democratization on the African continent in the late 1980s and early 1990s, many women and women's organizations became engaged in pushing for an end to corruption and repression through organizing demonstrations and riots. Increasingly, women within African countries came to realise that changes in their everyday lives, rights and status would not come about without the participation of women in the political sphere.

Although the 1990s involved processes of democratisation in many African countries, Aubrey (2001:87), states that the political openings largely did not improve the status of women, as women's voice were often not heard, but rather drowned in that of men (Aubrey 2001:87). A democratic system does not in itself lead to an equal society in which gender equality is promoted and women's rights upheld. Aubrey (2001:87), argues that the broadened political space did not substantially improve the possibilities for access to politics and decision-making by women in African countries. Neither did it naturally lead to improved gender-equality and women's rights, argues Aubrey (2001:87).

Geisler (2004:24), argues that the reintroduction of multiparty politics in many African countries did involve increased acceptance of, and space for, the working of political parties. But still, within political parties women were largely left in a subordinate or "supportive" function for the party, and were excluded in government, the state or more prominent position in political parties.

Nevertheless, according to Tripp et al (2009:2), the space for civil society was broadened relatively and thereby, in many instances, increased opportunities became available for the functioning of autonomous women's organisations within civil society. Thus, Tripp et al (2009:9), identifies an increase in the number and activities of women's organisations in many African countries in the early 1990s, as women became more directly involved in political debates (Tripp et al. 2009:2). Geisler (2004:11), further finds that women's organizations in this period to a greater extent started addressing gender inequalities originating from the domestic sphere (in the home) in political discussions. Tripp et al (2009:166), also highlights that, alongside increased political involvement by women's organisations in African countries, the United Nations (UN) and international donors also increasingly became concerned with the promotion of women's rights. During the 1990s,

international donors and the UN started focusing on the notions of gender mainstreaming and the creation of national gender machineries for the improvement of gender equality and women's status in African countries (Tripp et al 2009:166).

Tripp et al (2009:9), finds that the processes of democratization and changes in regimes in African countries made available opportunities for the involvement of women's organisations advocating for women's rights. In such situations, the women's movements could to a greater extent influence the writing of new constitutions and further influence the political order. At occasions, processes of democratization also contributed to changes in the dominant cultures that lead to a greater acceptance of changes towards greater gender equality (Tripp et al. 2009:9). Fallon and Viterna (2008:668), states that democratic transitions provide opportunities for women's movements to influence the new regime 'in the making'. Especially for women's movements in African countries, transition phases might represent new opportunities for participation and negotiations with new political leaders that can lead to the implementations of favourable policies and institutions (Fallon and Viterna 2008:668).

Tripp et al. (2009:82), argues that after the political openings in the 1990s women's organisations soon came to represent some of the strongest organisations within civil society in various African countries. These organisations took on a variety of forms, working for the improvements of women's status, for example, through focusing on access to healthcare, education, financing schemes, or the improvement of laws affecting women or access to developmental resources (Tripp et al 2009:82).

Geisler (2004:29), also argues that women's organizations increasingly started focusing on pressuring political parties and the government for increased inclusion, and acceptance of women standing for political office, and women in leadership positions. This in many instances lead to that women's participation in politics came to be presented as "a matter of social justice", argues Geisler (2004:26). Tripp et al (2009:81), finds that women's movements worked to encourage political involvement by women through organising programs for the development of leadership-skills and education, in addition to lobbying for greater representation of women and changes in legislation.

Hassim (2005:10-11), states that women's movements in many African countries have come to focus on challenging the barriers to women's political participation, and are increasingly

entering the domain of formal politics. The representation of women in politics, and the adoption of quotas to enhance this, has increasingly come to be presented as a tool for reversing women's traditionally subjugated position in the political sphere and the way to build a connection between the women's movement in civil society and the state. Through increased participation, and a more participatory democracy, the accountability of political leaders are to be enhanced and women's needs more greatly secured through the adoption of policies for enhanced women's rights and gender equality (Hassim 2005:10-11).

Although women's movements are operating to secure women's interests in many African states, Tripp (2001:101), argues that women's movements face difficulties as the respective governments are often hostile to their workings, and thereby many organisations have often experienced only limited success. After the political openings of the 1990s the state could not as easily repress organisations in an outright manner, however, many African states and the political elites have come up with new strategies to control CSOs and women's organizations, argues Tripp et al (2009:95). Measures are such as co-opting organisations, silencing them through patrimonial networks, harassment, or the attempts of formulating laws and registration processes that allows the state to monitor and control the organisations activities (Tripp et al. 2009:96). Fallon and Viterna (2008:669), states that the adoption of gender sensitive policies and greater political possibilities for women does not come about without the sustained pressure and advocacy by women's movements. Furthermore, the involvement of women's movements is not always sufficient for creating a gender-equal polity, argues Waylen (2007:541).

Fallon and Viterna (2007:671), find that within many African countries, the working of women's movements is effectively stalled because of a state that seeks to undermine and control them. The strength and effectiveness of the women's movement is, as such, important as well as the way in which the organisations are able to communicate with the state (Fallon and Viterna 2008:670).

3.5 Civil society in Uganda, South Africa and Kenya

The countries under study in this thesis represent three countries with different democratic histories and different experiences with civil society engagement. What is common is that all the three countries have been through an era of authoritarian rule which included limited freedom of expression and a limited space for civil society involvement. Further, all three

countries have gone through processes of democratisation in which the space for civil society have broadened relatively (Robinson and Friedman 2007 and Okuku 2003).

3.5.2 Civil society in Uganda

Research done by the Institute of Development Studies at the University of Sussex and Uganda National NGO Forum Kampala in 2003, found that the civil society in Uganda suffers from some fundamental weaknesses. In general, the Ugandan civil society is to a low degree seen to be able to perform the role as keeping the government accountable (Lister and Nyamugasira 2003:100).

Researchers such as Katusiimeh (2004:104), Lister and Nyamugasira (2003), Okuku (2003), and Robinson and Friedman (2007), find that the civil society in Uganda has traditionally been viewed by the state with hostility. Katusiimeh (2004), argues that ever since independence, CSOs in Uganda has faced the risk of being either suppressed by the state, or subjected to pressure for cooptation and incorporation into the state. Further, no real cooperation between the state and the civil society exists because the civil society is viewed as opposition and competition, argues Lister and Nyamugasira (2003:99). Okuku (2003:60), finds that the freedom of speech for CSOs has to a great extent been neglected, though Lister and Nyamugasira (2003:98), points to a relatively broadened space for civil society after the takeover of President Yoweri Museveni in 1986.

Katusiimeh (2004:104), states that there exists a wide range of CSOs in Uganda that are focusing on a variety of issues. However, according to Okuku (2003:60), CSOs in Uganda are to a great extent afraid or reluctant to engage in political activities and political advocacy, and as such often engage in self censorship (Okuku 2003:60). Further, Katusiimeh (2004:99), argues that many Ugandan CSOs choose to take on an apolitical role because political activities and the opposition largely have been met by repression, and even violence, from the state. CSOs are afraid of opposing the government, because by doing so they might be subjected to threats and harassment from the state, argues Lister and Nyamugasira (2003:100). Robinson and Friedman (2007:656), states that CSOs and NGOs that are working in accordance with the government is accepted (or promoted), and might even get sponsorship from the state, but if critical to the government the organisation may be subjected to repression.

At occasions, the government invites CSOs to participate in policy formation. Lister and Nyamugasira (2003:99), however, doubt that the influence the CSOs can have in this setting is of any great extent as organisations known to disagree with the government are rarely invited for consultation on policy matters (Lister and Nyamugasira 2003:99). Generally, CSOs attempts to affect policy making is restricted to sporadic approaches to people within the government, argues Robinson and Friedman (2007:652).

In addition, Robinson and Friedman (2007) finds that NGOs and CSOs are restricted to harsh registration and operation laws, and if these are violated the organisations risks being deregistered. This is seen by Robinson and Friedman (2007:648), as a tactic used by the Ugandan government to do away with critical voices. Okuku (2003:61), highlights that the members of the NGO Registration Board consists of people from the police and the `secret service`, something that witness about the governments suspicion to NGOs. From the government's viewpoint, NGOs in Uganda are not supposed to act as political actors, and the state attempts to either repress or infiltrate potentially `dangerous` CSOs in order to undermine their capacities, argues Okuku (2003:58-61).

According to Lister and Nyamugasira (2003:99), the Ugandan civil society suffers from a lack of autonomy. Katusiimeh (2004), argues that the civil society in Uganda has not been able to distance itself from the government and the state. Further, the lack of autonomy restricts the civil society to such an extent that it is not able to develop independently and thereby can not play a meaningful role in keeping the government accountable and "affecting the status quo", argues Katusiimeh (2004:100). In addition to a lack of autonomy from the state, the Ugandan civil society is also seen to be heavily dependent of external funding, argues Lister and Nyamugasira (2003:99). The weak private economic sector in Uganda is pointed to by Robinson and Friedman (2007:648), as making civil society dependent on either external funding or on the state. Lister and Nyamugasira (2003:103), in addition, find that civil society in Uganda is primarily elite driven, and mostly active in urban areas. In a society affected by high levels of corruption and neo-patrimonialism, Okuku (2003:58), states that it is also common in Uganda that civil society leaders seek to use their position for the attainment of material benefits and to be connected into patrimonial networks as they use their positions to gain larger power for themselves. As such, the civil society's connections with the overall population in Uganda can be questioned.

Devas and Grant (2003:309), argues that to a great extent “traditional structures of authority” in Uganda hinders people from direct confrontation or criticism of the government and involvement in political civil society. Okuku (2003:60) claims that the weaknesses of the Ugandan civil society have resulted in that it is largely unable to influence state policy and effect the political culture in the country in a way that recognises, or demands, civil and political rights. Suppression of CSOs or NGOs are often not addressed by other CSOs argues Okuku (2003:61), as they too fear repression. This is seen as a manifest of the obstacles and weaknesses that Ugandan civil society is faced with.

3.5.3 Civil society in South Africa

In the early 1990s scholars started focusing on the role and activities of civil society in apartheid South Africa (Glazer 1997:5). According to Glazer (1997:5), this was triggered by an upsurge in political ‘black’ civil society from the early 1980s. The South African civil society was perceived as some kind of a receipt for the overthrow of apartheid and the building of the new democratic South Africa, argues Glaser (1997:5-7).

Lehman (2008:118), states that the South African civil society today consists of a variety of groups, many of which have increasingly become independent and autonomous from the state. Robinson and Friedman (2007:648), argues that civil society in post- apartheid South Africa have benefited from a strong formal sector and an expanding middle class, because this represents a source of funding for CSOs that as an effect are not necessarily so dependent on international and external donor funding or on the state. Robinson and Friedman (2007:649), finds that activities undertaken by CSOs in South Africa include attempts to influence policies through policymaking processes and lobbying activities, protests, demonstrations, publications on policy issues and the organisation of discussions (Robinson and Friedman 2007:649).

Habib (2005:682-683), divides the South African civil society into three broad categories that have different relations with the state. The first category he calls “informal, survivalist community-based organizations”. These are organisations that work to better peoples living conditions on a local basis. They have little or no contact with the state. These organisations work to improve the situation of the poorest people in the South African community. The next

category, Habib (2005:685), describes as Non- governmental organisations (NGOs) that work with service related issues. These are seen as to relate to the state in a cooperative manner. Lehman (2003:117), highlights that the South African state offers financial benefits to organisations that register and operate as the governments partners. In the 1990s many CSOs entered into cooperation with the ANC and the government encouraged the cooperation with CSOs that were to operate after government- set standards, argues Lehman (2008:118). The third category of civil society is described by Habib (2005:683), as more politically motivated organisations. These often challenge and oppose the state, aiming to influence policy making. Such organisations are based both on the local and the national level and engage in a wide variety of social and political issues. Hearn (1999:16), states that the civil society in South Africa consist of a range of organisations that are working to encourage political involvement by the population, and further works to promote democracy. However, the actual effects CSOs have on policy making are highly varying argues Robinson and Friedman (2007:651). In addition, Lehman (2008:118), states that although the South African state widely encourages civil society involvement by the people, it is clear that the state at times tries to co-opt CSOs by adhering them to cooperative institutional arrangements.

Robinson and Friedman (2007:649), argues that the South African government after 1994 focused on creating forums in which CSOs and the overall population could engage with the state, and participate in decision making processes (Robinson and Friedman 2007:649). However, Lehman (2008:118), finds that these forums are not always equally accessible to all people or organisations, stating that it is largely the biggest and most financially strong actors that manage to engage in such communication. Robinson and Friedman (2007:648), claim that there is in fact few CSOs that successfully manage to influence policymaking to any great extent. A weakness identified by Robinson and Friedman (2007:655), also relates to the fact that most South African CSOs engaged with political advocacy are based in urban or economically well-off areas, largely leaving the grievances of the people in rural areas unaddressed.

Habib (2005:672), states that the South African civil society is diverse and consists of a great variety of different organisations with different focus and various ways of operating and engaging with the state. That the relations between various civil society groups and the state vary in South Africa should be seen as positive, Habib (2005:672) states. Likewise, Lehman (2008:118), argues that the diversity of CSOs in South Africa is good for democracy because

a slide towards greater level of authoritarianism is unlikely in an environment with a diverse civil society.

3.5.4 Civil society in Kenya

Kenya was governed as a one-party state up until 1992, and Ajulu (2000), finds that during the one-party era, opposition and civil society was subjected to great repression, and criticism was largely not accepted by the state (Ajulu 2000).

However, Okuku (2003:59), points to an increase in civil society involvement in Kenya from the early 1990s. The early 1990s involved the development of a pressure- movement for democratisation in Kenya. Okuku (2003:59), sees the pressure exercised by the civil society in this period as to have been an important part in spurring the process towards the return to multiparty politics. Holmquist and Oendo (2001:201), state that the 1990s involved a relative broadening of the space for the civil society, following the reintroduction of multiparty democracy in 1992. As such, Okuku (2003:59), finds that the activities of the Kenyan civil society provided results as the freedom of civil society was to some extent broadened, showing that the civil society managed to pressure the government. Holmquist and Oendo (2001:201), also argue that the greater level of freedom of speech and freedom of organization following democratization to a great extent was a result of the pressure from civil societies.

Okuku (2003:59), identifies an increase in the number, and activities, of CSOs in Kenya during the 1990s. Further, Holmquist and Oendo (2001:203), reports that in the run up to the 1997 election, civil society played a visual role as a mobilising force, stating that the civil society had good communication with the political opposition, and the media became increasingly free (Holmquist and Oendo 2001:205).

Okuku (2003:54), states that the churches have played an important role in Kenyan civil society, as an actor pushing for democratisation. During the one party era, the churches managed to keep some degree of autonomy from the state, and in an environment lacking political opposition the church came to play an important role fighting against the repressing one-party state and for the interests of the people. Okuku (2003:55), states that the churches were the first organisations that were willing to fight for democratisation and put political pressure on the state.

However, despite increased activity by the civil society, Holmquist and Oendo (2001:204), finds that repression of the civil society persisted, as the state still sought to marginalize civil society leaders and the opposition. Sporadic harassment and intimidation of the civil society continued, argues Holmquist and Oendo (2001:205). Holmquist and Oendo (2001:205), conclude that the achievements of the civil society in Kenya must be said to be only modest, because the period from the 1990s have witnessed increased state weakness and growing corruption. In other words, the researchers report on an increase in both the activities and numbers of CSOs in Kenya, but the larger positive results of the involvement of civil society are argued to be lacking. Despite increased involvement by rural civil society organisations, the urban based civil society organisations and the elite are seen by Holmquist and Oendo (2001:205), as the beneficiaries of government policies, particularly because the largest victories by the civil society are found in the cities. Devas and Grant (2003:314), also finds that, to a great extent, the CSOs that get themselves heard are representatives of the business community and those that are already well off.

Devas and Grant (2003:314), states that the Kenyan civil society is still not very strong, and Holmquist and Oendo (2001:206), argues that the Kenyan civil society have yet to develop into a true representative of the Kenyan people. Okuku (2003:60), highlights that many NGOs and CSOs in Kenya are reluctant to engage in political confrontations with the state because of a fear of repression. In addition, Holmquist and Oendo (2001:205), find that many Kenyan CSOs suffer from a dependency on external funding, which makes them vulnerable and hinders their free role as critics

Like in Uganda, local authorities in Kenya also frequently invite representatives of the civil society for consultation and discussion of policy matters. However, Devas and Grant (2003:314), argues that the selection of who is invited for consultation is of such a character that it cannot be seen as a way for civil society to have any real influence. Those CSOs that are likely to oppose the politicians are typically not invited. In addition, civil society in Kenya is seen by Devas and Grant (2003:314), to suffer from a great extent of secrecy from within the government, as much information on policy matters is not made public.

A potentially negative aspect of the increase of civil society organisations in Kenya is the development of CSOs based on ethnic lines, argues Holmquist and Oendo (2001:206).

Kenyan politics is to a great extent affected by ethnicity, which results in a lack of national unity and equal and fair policies (Hulterstrom 2004). Okuku (2003:56), states that, like politics in general, CSOs in Kenya are also affected by ethnicity. In the same manner Okuku (2003:59), states that actors within civil society use their position as to gain personal benefits. He further states that rather than limiting the scope of patronage in Kenya, increased involvement of civil society might in fact have strengthen the use of patronage in the country.

3.6 Conclusion

This literature review has highlighted that the appropriateness of democracy in African countries are subject to debate. Although most African countries claim to be democracies, the expected results of having a democratic system are largely lacking. Especially the political leaders in many African countries are not accepted as genuine representatives of the citizens. Rather, the society and the state are often viewed as to be in opposition with each other. Although processes of democratisation took place in many African countries in the early 1990s, the depth of these processes are doubted. African leaders are often accused of focusing on securing their hold on power, and to use their positions for personal enrichment and the upholding of neopatrimonial networks. The state is often trying to control the population through means of repression. Bratton et al. (2005), states that a major threat to the democracies in Africa is that the political leaders are not accountable to the people. A further weakness of many African democracies is the fact that women have largely been excluded from the political sphere. Politics are dominated by men, as women are perceived to belong in the private sphere and the household. Women's needs have thereby to a large degree been neglected in political debates.

The effectiveness of civil society in African countries has also been doubted. The relationship between civil society and the state in African countries is often directly opposite of what is deemed necessary for a functional civil society. The relationship between civil society and the state should ideally be characterised by communication and negotiation rather than competition and repression. The freedom of civil society in African countries is, however, largely restricted as the society and state are often in opposition to each other. Further, unequal power relations between men and women extend to the civil society terrain and women are often restricted from engaging in civil society. As in politics in general, men

largely dominate civil society, and women are restricted from participating on equal terms, because they are often not accepted as political actors.

This situation does, however, suggest that there is great need for civil society in African countries to work for greater democratisation, citizen participation and accountability. Diamond (1994:5), argues that rather than to disregard civil society in African countries, there is a need to attempt to identify the ways in which civil society in African countries have in fact been, or potentially can be, effective.

Women's engagement has largely not been the focus in debates about civil society. However, women's organisations have been operating within many African states, and from the late 1980s and early 1990s women's organisations increasingly became engaged in the political sphere. Women's organisations work for the promotion of women's rights and gender equality by focusing on a variety of different issues of importance to women. As women's organisations became more politically involved in African countries, they increasingly attempted to direct the focus of political debates to the various challenges that many women faced in the home and the private sphere, deriving from gender roles.

South Africa, Kenya and Uganda represent three interesting cases because they all contain very different characteristics. The countries have different democratic experiences and the role and strength of the civil society is highly different in the three cases.

According to Lehman (2008:116), South Africa is the country that has the most developed democracy and economy of the three countries (Lehman 2008:116). Further, Habib (2005:672) sees the South African civil society today as plural and diverse, consisting of CSOs that work within a variety of issues and relate to the state in different ways. Habib (2005:686) states that the diversity of the South African civil society is a characteristic that work to strengthen South African democracy. In Uganda the civil society is seen by many researchers (Katusiimeh 2004, Lister and Myamugasira 2003, Okuku 2003, Robinson and Friedman 2007), to be weak, and not in a position to really challenge the state or hold it accountable. The weakness of the civil society is sometimes presented as a result of political apathy within the population (Katusiimeh 2004:99). However, Lister and Nyamugasira (2003:100), argue that a nuanced view would take the political history of the country into consideration and acknowledge that civil society and opposition in Uganda to a great extent

have been, and still are, subject to great repression (Lister and Nyamugasira 2003:100). Holmquist and Oendo (2001:201), state that Kenya has seen a steady increase in civil society participation from independence and especially since the return to multiparty politics in 1992. However, the real effects of the civil society's engagement are called into question. Holmquist and Oendo (2001:205), state that the civil society in Kenya has tried to take action, but the greater results are lacking.

Chapter 4 Rationale, research question and methodology

4.1 Rationale and problem statement

As the conceptualization- chapter has highlighted, democracy as a form of rule is internationally upheld as the only acceptable way of structuring a polity. It is presented as to enhance both economic and social development, and give rise to a democratic society, in which the equality of all citizens is a goal. Democracy is presented as a representative system in which citizens elect representatives that are to secure their interests. However, the literature review showed that, in African countries, democracy is perceived as dysfunctional. Although most African countries claim to be democracies, the expected gains of having a democratic system are largely lacking. The political leaders are often not representing the will of the citizens, but rather focus on securing their own positions, while using that position for personal advancement. African states are often characterised by high degrees of corruption, and state kleptocracy. The political leaders are charged with using neopatrimonial networks to buy support from a segment of the population, rather than administering the national resources in an equal manner. Thereby, the citizens are largely kept out of politics, and further, the state and society is often thought to be in conflict with each other. Bratton et al. (2005), states that many democracies in African countries suffer from the fact that the political leaders are not accountable to the citizens.

Within African states, women have especially been constrained from participating in political debates. Women have largely been restricted to the domestic terrain and the household, whereas men have dominated the political sphere. This has led to women being detached from politics, and the challenges and problems faced by women have largely not been subject of political debate. Thereby the needs of women, comprising a large part of the citizenry within the democracies, have been neglected.

For greater levels of democracy to come about, a demand for democracy by the people is a necessity. In this regard, a strong and vibrant civil society is a prerequisite for the consolidation of democracy. In an environment where the state and society is in opposition to one another, civil society is pictured to be the link between the society and the state. It presents a sphere in which people can address their grievances and concerns, and further make demands on the state. Civil society is perceived as being the tool for the support, promotion

and struggle for democracy and greater citizen's participation in politics. The civil society is thereby presented as a decisive tool to enable the people to hold the state accountable and criticise state domination. In addition civil society is argued to be an important tool for pressuring for political and social equality.

However, along with low degrees of consolidation of democracy in African countries, the role of civil society is further often doubted. It has been argued that civil society within African states is largely not strong enough to effectively hold the state accountable. Some researchers argue that the potential of civil society to push for greater devotion to democratisation have been overstated and 'romanticised' (Diamond 1994, Chabal and Daloz 1999, Lewis 2001). Further, other researchers even disregard the existence of civil society in African countries (Chabal and Dalos (1999:18). Thereby the relevance of the concept of civil society in African countries has been doubted. As Allen (1997:337) states, the concept of civil society might be more important for scholars and in theoretical discussions than what it actually is for the citizens of democracies.

The role of women and women's movements has mostly not been the focus of research and debates on civil society (Walsh 2008:46). The implication of inequality between women and men, and differing gender roles is a neglected attribute which have not been discussed, although notions of gender have significant implications for women's role within civil society (Walsh 2008:46). As the literature review has illustrated, the definition of civil society is problematic because of its division between separate private and public spheres, which disregards women's role in politics and in civil society. Women's organisations have, however, been active within civil society in many African countries, and have especially worked to engage in the political sphere since the late 1980s and early 1990s.

The research problem motivating this thesis is as such that there is uncertainty around the role that civil society plays in African democracies, and further especially the role of women and women's organisations within civil society, is a field that are largely under- researched.

4.2 Research question

The research question of the thesis is: **What characterises the relationship between the women's movement, as part of civil society, and the state in Uganda, Kenya and South Africa?**

4.3 Focus of research

The thesis investigates the nature of the women's movements in Uganda, Kenya and South Africa by focusing on the relationship between the women's movements and the state. The way in which the state relates to the women's movements, as well as the way the women's movements have addressed the state, is examined in order to discuss to what extent the women's movement have been able to influence policy formation for improved women's rights and gender equality. The focus of the research is, as such, on the interplay between the women's movements and the state. The environment in which CSOs work is an important determinant of how well the organisations can in fact operate. Especially the relationship between the women's movements and the state is a crucial determinant of how it can work effectively. The notion of 'political opportunity structures' are important when investigating characteristics that have affected the relationship between the women's movement and the state in the three countries, and how this relationship has changed over time in relation to the overall political changes in the political sphere.

Women's organisations, like CSOs in general, need certain degrees of freedom and room for manoeuvre. In instances where the organisations are met by strong resistance from the state the organisations face a greater difficulty in order to work effectively and reach their goals. Issues of critical importance for the effectiveness of women's movements are such as: the level of repression from the state and lack of freedom of speech and association, further the level of autonomy the organisations hold, the degree to which the government or the state attempt to infiltrate or co-opt the organisations and the way the organisations can communicate with the state are of importance. These issues influence the effectiveness and strength of the women's movements in all the three cases in this study, and will as such be at the core of the investigation.

Women in many African societies represent groups of people that might have much to gain from influencing the state by making demands for improvements in their situation. In many

African countries women's movements have been formed to work for democratisation and gender equality. However, their effectiveness varies as women's groups have often been met by resistance and many obstacles within society.

4.3.2 Rationale for the choice of the case studies

The choice of focusing on the women's movements in Uganda, Kenya and South Africa in the investigation of this thesis derives from the fact that the three countries exhibit different characteristics. Different dynamics are at play within the relationship between the women's movement and the state in the three cases. The comparison of cases which contains different dynamics leads to insight into how various characteristics lead to dissimilar results. The choice of comparing the women's movements of these three countries in particular derives from a wish to identify the different characteristics at play which influence both the character of the women's movements and the nature of the relationship between the women's movement and the state. This leads to a better understanding of how the nature of the women's movement and the movement's relationship with the state influences one another.

The countries under study have experienced varying degrees of democratic consolidation, and further, the character of the civil society and especially the women's movements within each country is different. Within all the three countries, the civil society has had to operate under conditions of authoritarian rule. However, all the countries have gone through processes of democratisation. The end of apartheid in South Africa in 1994, and the abolishment of one-party rule in Kenya in 1991, led to the introduction of multiparty politics, and a greater space for civil society. In Uganda, the takeover of president Museveni in 1986 resulted in increased space for civil society, although the political system introduced was a "no-party system" in which the activities of political parties was restricted.

Civil society in South Africa is generally regarded as strong and vibrant, and as an important attribute for securing the further consolidation of democracy (Habib 2005:672), whereas civil society in Kenya and Uganda are from various sources argued to be quite weak (Katusiimeh 2004:104, Lister and Nyamugasira 2003, Holmquist and Oendo 2001:206). Civil society in both Uganda and Kenya operates under conditions in which the state regards it with suspicion, and attempts from the state to silence the civil society are common. Despite this, the women's movements in Uganda and Kenya have been successful by varying degrees. Although civil

society in both countries are subjected to attempts of silencing from the government, the women's organisations in Uganda pose a strong voice, to a greater degree than the women's movement in Kenya.

The study of the women's movements in the three countries of Uganda, South Africa and Kenya are all interesting in their own right. Tripp (2001a), states that the Ugandan and South African women's movement represents two of the strongest women's movements on the African continent. Further, in Uganda, the women's movement has been one of the strongest and most visible actors within civil society, argues Tripp (2001a). Thereby, the South African and Ugandan women's movements are interesting cases for discussion and comparison. They both represent special cases in relation to women's movements on the African continent. They are interesting for comparison in order to identify similarities and differences.

As opposed to the women's movements in South Africa and Uganda, the Kenyan women's movement has not achieved as much attention because the women's movement in the country has not been as successful. This invites and encourages investigation as to why this is so, and what characteristics that leads to the women's movement not being able to be as strong as in Uganda and South Africa. These attributes makes the comparison of the Kenyan, Ugandan and South African women's movement interesting as to identify what that has lead to varying degrees of success.

4.4 Methodology

The research is of a qualitative and descriptive nature, it makes use of secondary literature and engages in the study of three different cases.

The research in this thesis engages in the study of the relationship between the women's movements and the state. This relationship consists of a variety of dynamics, and is highly complex. Further, the relationship is subjected to changes throughout time, in relation to the overall socio-political context. Thereby, the research makes use of a qualitative approach, through the analysis of secondary sources. Such an approach is suitable for the study of situations and relationships that are largely complex and complicated. Further, the approach is appropriate when attempting to capture changes in relationships that happen over time

(Babbie and Mouton 1998:271). A qualitative research method entail that attention are given to the larger context in which the dynamics of study takes place (Ritchie and Lewis 2003:5).

The study seeks to understand the processes at work within the specific environment. The conclusions drawn from the research, is not necessarily transferable to other cases, and the research does not attempt to make generalisations, but rather seek to understand the specific relationship within the exact cases and their particular environments (Babbie and Mounon 1998:270).

The study further makes use of a descriptive reasoning, meaning that the research is concerned with describing the relationship between the women's movement and the state, and further to understand the processes at play, and the actions performed, with reference to the relationship. Through using a descriptive method, the study focuses on investigating the nature of the relationship between the women's movement and the state, rather than the reason why this relationship have come about (de Vaus 2001:1). However, as is common in descriptive studies, the research is not restricted to only describing the relationship (Babie and Mount:81), but also goes beyond describing, by investigating the implications that the relationship entails.

Descriptive research engages in describing a variety of dynamic around the focus area of the research (Babbie and Mount 1998:80), however, the research of this thesis have chosen to give special focus to the relationship and dynamics at play between the women's movement and the state.

The research focuses on three different cases, which are the women's movements in Uganda, Kenya and South Africa. Through the use of cases studies, many variables are examined that relate to the subject under study, and by using multiple cases, comparisons can be made (de Vaus 2001:249). The research in this thesis, through using cases studies, focus on the way in which the women's movement interacts with its contexts and subsequently sees the findings of the three cases in comparison to one another. In this research the focus is on the differences between countries.

The thesis relies on secondary data, and already published research, in the form of books and publications and newspaper articles.

4.5 Research scope and constraints

The focus of the research is on the interplay between the civil society and the state. The role and strength of civil society in African countries have been subjected to debate and further the role of women within civil society in African countries have been an aspect which have received little attention. This thesis as such has a main focus on women's movements as one example of an actor within civil society. The research focus is confined to studying women's movements as representing one example of important actors within civil society. The focus on women's movements is consistent within all the three country cases of the study Uganda, Kenya and South Africa, as to be able to draw lines of comparison and detect differences. Other civil society actors within the three countries are not given much attention although general trends of the overall civil society is pointed to when the role of the women's movement is seen in relation to the larger civil society.

The scope of the research and the focus is confined to focusing on the women's movement, and its relations with the state in the three countries. Women's movements have been chosen to see how civil society organizations are successful in interacting with and influencing the state on policies.

The thesis does not engage in investigating and discussing feminist ideologies and does not enter the debate of African feminism as opposed to Western feminism. Although this is an interesting and important debate, it is left out in this thesis as the focus is rather on the interplay between women's organizations, as civil society organizations, and the state. The research does not distinguish between women's organizations with different goals, political ideas or ideologies, rather women's organizations are seen as organizations that hold the advancement of women's rights and gender equality as their goal, whether they focus on the social, political or economic status of women.

The research for the thesis does not engage in in-depth investigation of specific events or occurrences, it does not engage in investigating specific laws or advocacy focuses of the women's movement. Rather, the research focuses on identifying and studying the development of the women's movement in the three countries. As such, the research seeks to identify how the emergence of women's organizations happened and how they gained relevance and strength within civil society, and further, how they have changed in nature,

effects and relations with the state. However, within this development, special attention is devoted to the periods of political transitions because these periods, within the different three countries, represented varying degrees of opportunities available to the women's organizations.

The scope of the study is further confined to the women's movements within the three countries of Uganda, South Africa and Kenya. As such the study does not analyze information from other countries on the continent, although this could have been constructive in a larger study. For future studies, the comparison of other cases could result in further important knowledge to shed light, and provide insight, in the debates on the role of women's movements.

The literature used for this study consists of secondary literature. Information is attained from books, journals and news paper articles. The thesis as such builds on previous research that has been done on civil society and women's movements in the specific countries. This literature is used as the basis to assess the nature of the women's movement in the three countries and their relations with the state. The fact that the research is based on secondary literature constrains the scope of the research. For future research, the consultation with primary sources can secure newer and more updated information. As research on women's movements and the role of women in politics is a field that is largely under investigated in relation to civil society discussions future research should engage more deeply with primary sources.

Chapter 5 The women's movement and the state in Uganda

5.1 Introduction

This chapter engages in the study of the women's movement in Uganda. It seeks to identify the characteristics of the relationship between the women's movement and the state, in order to see how the women's movement has been able to pressure the state and influence policy making for improved women's rights and increased focus on promoting gender equality.

The chapter first engages in an exploration of the political history in Uganda, seen in relation to the relationship between the general civil society and the state. Secondly, the chapter engages more deeply into the Ugandan women's movement. The women's movement's role in the initial years after President Museveni's takeover in 1986 is given special attention, before the relationship between the women's movement and the state under Museveni is explored.

5.2 Political background

At independence in 1962, Uganda had a good, vibrant and free press, a good university, and a good civil service and political administration (Apter 1995:160). Milton Obote became Uganda's first president and his party the Uganda Peoples' Congress (UPC) gained state power (Kasfir 1998:52). Obote became an increasingly authoritarian president, and Byarugaba (1997:2), states that from 1966 and onwards the Obote regime can be regarded as a dictatorship because of growing suppression and the banning of citizens rights to engagement in politics. In 1966, Obote suspended the constitution and replaced it in 1967 with one that made the president (himself) able to take all decisions on all matters alone (Mushemeza 2001:62), and he declared Uganda a one-party state (Goetz 2002:552). As Obote's popularity dropped, he relied heavily on the support and protection of a strong military (Mushemeza 2001:62). Obote was, however, ousted in a military coup in 1971, lead by the military officer General Idi Amin (Kasfir 1998:52). Amin declared himself president, and without concern about political parties distributed political positions to those he desired (Goetz 2002:552). Amin's regime was a very brutal military regime, which became notorious for its repression and harassment of citizens by state agencies, and crime and violence increased to dramatic levels (Byarugaba 1997:2). Amin used the military to control both the society and the economy (Mushemeza 2001:62), and many Ugandans fled the country under

his rule (Apter 1995:162). Subsequently, Amin was overthrown in 1979, by Ugandan soldiers with help from the Tanzanian army (Kasfir 1998:53). The army was named the Uganda National Liberation Front (UNLF), and its leader Yusuf Lule was installed as Uganda's new president. However, he only held that position for a short period before Godfrey Binaisa replaced him (Apter 1995:162). Binaisa was again replaced through a coup by the Military Commission of the UNLF, who installed Paul Muwanga as president, before elections were held in December 1980 (Mushameza 2001:62-63). The 1980 election returned Obote to the presidency. However, the election result was contested, as the election process had been affected by violence (Kasfir 1998:53), and allegations of election rigging were raised (Byarugaba 1997:2). Yoweri Museveni also contested the 1980 election, with the Ugandan Patriotic Movement (Goetz 2002:553), and after Obote was sworn in as president, Museveni formed a guerrilla army, called the National Resistance Army (NRA), and engaged in a civil war that was comprised of a range of different groups (Kasfir 1998:53). Under Obote's second regime the killings of Ugandan citizens continued. Especially critiques of the regime faced a risk of harassment or even of getting killed (Byarugaba 1997:2). However, Obote was overthrown again in 1985 by Tito Okello, who was again overthrown by the NRA and Yoweri Museveni on the 26th of January, 1986 (Bangura 2008:145).

5.2.2 The women's movement under Uganda's first regimes

During the colonial era, women's organisations were operating in Uganda, largely with the support and funding from missionary organisations. The main functions of the women's organisations at this time, were based on improving women's conditions on a day-to-day basis, and focused on women's roles in the domestic sphere. These early organisations did largely not engage in contesting the colonial power, or work as political organisations (Tushabe 2008:51).

During the period from independence and until 1986, the Ugandan society was characterised by severe abuses of human rights and brutality, and deteriorating social, economic and political conditions, as well as a detachment of the overall population from politics. This period is by Dicklitch and Lwanga (2003:487) seen as one of almost total destruction of civil society in Uganda. Most civil society organisations was subjected to severe repression (Katusiimeh 2004), and freedom of speech was largely neglected (Okuku 2003:60). Both the Amin and Obote regimes effectively killed of the spirit of civil society. Dicklitch and Lwanga

(2003:487), argue that this period involved a process of deterioration of democratic values, such as willingness to negotiate and reach compromises. In such an environment, civil society could not function and almost disappeared, as such, presenting a bleak picture for the future potential of civil society's activities and effectiveness.

Under the authoritarian rule of Uganda's first leaders the women's movements, like the general civil society, was greatly subjected to repression. Many organisations were forced to operate underground, or were dissolved as the state largely sought to control and restrict them (Goetz 2002:555). Those organisations which operated openly were subjected to close control by the state, and thereby the autonomy of the organisations were jeopardised (Tushabe 2008:52). In 1978, Idi Amin formed the National Council of Women (NCW), which was to serve as an umbrella organisation for all women's groups in Uganda. The NCW was closely controlled by the government, and, as such, women's organisations autonomy, freedom and independent voice were effectively curbed, as independent women's organisations were banned (Goetz and Hassim 2003:116). Obote also effectively manipulated the NCW, and used it as an organ for his own political party, the UPC (Tripp 2001a:123). However, during the rule of both Amin and Obote women were organised, and did important work under deteriorating socio-economic conditions. As the quality of health care, education and other social infrastructure were deteriorating at a high rate, women's groups took on important tasks to maintain services, such as, schools and health-care centres (2008:46). Women's groups were for example engaged in raising funds in order to pay teachers that were not receiving payment from the government (Tushabe 2008:51). Tushabe (2008:45), argues that the work of women under the rule of Amin and Obote were to a great extent what held the country together, and avoided deeper deterioration. Political advocacy was, however, restricted because of authoritarian measures by the state and high degrees of repression (Goetz 2002:555). The repressive rules of Uganda's first leaders led to a detachment of people from politics and the state (Tushabe 2008:49). This was especially detrimental for women, as there was a large separation between politics, and the everyday struggles and problems that women were faced with (Tushabe 2008:46).

5.2.3 Uganda under Museveni

The incumbent Ugandan president, Yoweri Museveni, has been in office since 1986. He came to power through a guerrilla war, and a military coup that overthrew Okello (Bangura

2008:145). When the National Resistance Army (NRA) (renamed the National Resistance Movement (NRM) when in power) and Museveni gained state power, they did so with the expressed goal of introducing democratic procedures and a larger role for civil society and popular participation in policy making processes (Katusiimeh 2004:104). Museveni and the NRM launched a political programme promising the restoration of the economy through reforms, participatory democracy and a more stable political arena (Dicklitch and Lwanga 2003:489). The first point on the NRM's programme was the introduction of democracy, and free and fair elections in Uganda. The NRM declared that it encouraged all Ugandans to participate in political processes (Mushemeza 2001:66).

However, the political changes involved the adoption of a 'no-party' system (Dicklitch and Lwanga 2003:488-489). Ultimately, political parties were allowed to be formed, but they were not allowed to perform actions associated with political parties, such as arranging political meetings, demonstrations or rallies. Political candidates could not stand for election through a political party, and would rather stand as an individual candidate (Tripp 2001a:103). The declared idea was originally that political parties would not operate until 1989, in order to calm down and stabilise the political sphere. The 'movement system' was presented as an alternative to regular competitive politics as the latter was argued to instigate conflicts by provoking sectarianism and politicized ethnicity, which had been a major problem in Uganda's past (Goetz and Hassim 2003:113). The 'movement system' was presented as an including, grassroots system (Dicklitch and Lwanga 2003:489).

Dicklitch and Lwanga (2003:489), argue that Museveni gained support within the Ugandan population, because people were eager to reach an end to the earlier practices of violence and brutality, and thought that Museveni could bring about a more stable and peaceful society. People hoped for better living conditions with Museveni as their president (Tushabe 2008:49).

Though Apter (1995:157), calls Museveni's takeover the start of the "return to democracy", Mushemeza (2001:64) argues that the 'no-party system' (1986-2005) was innately undemocratic. The 'no-party system' contained within it undemocratic features, especially because the system prohibited political activities by political parties and the organising of political meetings (Dicklitch and Lwanga 2003:489). Tripp (2001:103), states that the 'no-party system' in fact developed a 'one-party state' as the NRM operated like a political party.

In 2002, a referendum resulted in the prolongation of the `no-party system` (Dicklitch and Lwanga 2003:489). However, in July 2005 another referendum resulted in 95,5 percent of the votes in support for the abolishment of the no-party system (Atoo et al. 2006:9). Multiparty politics was introduced, however, many of the institutions of the movement-era remain (Robinson and Friedman 2007:645). In addition, the opening for multiparty politics was also followed by the suspension of presidential term limits (Atoo et al. 2006:9). As such, Museveni was re-elected in the presidential election in 2006, gaining 59 percent of the votes (Atoo et al. 2006:4). Further, there is no constitutional restriction on how long Museveni can remain president (Tushabe 2008:48).

The Museveni regime is one that, compared to that of Amin and Obote, represents a relative broadening of the space for civil society and a greater respect for human rights. Freedom of association and freedom of speech has improved substantially (Lister and Nyamugasira 2003:98). Both the number of CSOs and their activities were growing after 1986 (Dicklitch and Lwanga 2003:484). The political arena in Uganda has become freer, human rights are to a greater extent respected and the media and organisations can operate more freely (Tripp 2001:103). The 1995 constitution of Uganda states that people should be able to participate in political decision making. In addition, the protection of “the autonomy of civic organisations in pursuit of their declared objectives” is stated. (Dicklitch and Lwanga 2003:491-492). However, Tripp (2001:103) states, that “authoritarianism has a new face in President Museveni’s Uganda”, as the regime is also characterised by authoritarian characteristics, though in more concealed and less violent forms than under previous regimes (Tripp 2001:103). Further, any civil society actor, critics of the government, or supporters of the opposition is viewed with suspicion (Tripp 2001:103), and the inclusion or consultation of civil society in policymaking is both erratic and unpredictable (Lister and Nyamugasira 2003:98).

Dicklitch and Lwanga (2003:484), argue that civil society organisations are under a constant threat from the government (Dicklitch and Lwanga 2003:482). As such, political participation is encouraged by the Ugandan government if it does not mean being critical to the government, or supporting opposition candidates (Dicklitch and Lwanga 2003:495). On the other hand, the government seek either to repress or to infiltrate potentially `dangerous` CSOs in order to undermine their capacities (Okuku 2003:58). Though the media is relatively free in Uganda, several journalists have had to go to court charged with a variety of criminal charges

(Katusiimeh 2004:107). Journalists that are critical to the government have been charged with “sedition, treason and defamation”, leading to many media channels being careful about being critical (Dicklitch and Lwanga 2003:491).

5.3 The women’s movement in Uganda

A variety of women’s organisations in Uganda are concerned with addressing women’s needs and gender equality from the local to the national level, concerning domestic as well as public issues (Tushabe 2008:52). Early women’s groups in Uganda were mostly concerned with domestic matters, such as health, sanitation and nutrition, in addition to issues relating to housework and income generating alternatives for women. Increasingly, however, women’s groups extended their focus to include matters, such as, promoting the involvement of women in politics. Women’s groups have increasingly come to be active in activities, such as, lobbying the government, the development of political- and leadership-skills by women and the organising of civil education programmes (Tripp 2001:102_a).

Women’s organisations have increased substantially in number and activities since the mid-1980s (Goetz 2002:555). Tripp (2001_a:101), states that there has been a growth in the number of independent women’s groups and their activities, because of broadened political space with organisations that are not necessarily a political party or connected to the state. Women’s groups in Uganda perform a great variety of tasks and activities (Tripp 2001_a:102). Some are focusing on matters related to religion, some are based on profession, others are concerned with specific issues such as domestic violence or reproductive rights, some focus on developmental tasks (such as credit and finance support), provide services to women, such as, organisations providing legal aid to women, and other women’s groups focus on democratisation (Goetz 2002:555 and Tripp 2001_a:102). What they have in common, however, Tripp (2001_a:103) states, is that they are all concerned with improving women’s position and possibilities, whether they are of a social, economic, legal or political nature.

The women’s organisations represent arenas in which women can address their interests and grievances (Tushabe 2008:48). The women’s movement in Uganda is generally regarded as quite successful and has been able to reach important successes (Dicklitch and Lwanga 2003:492). The women’s movement contains some of the most vigorous and well-functioning civil society organisation in the country, argues Tripp (2001_a:101). However, women’s

engagement in civil society and politics has been (and still are) a constant struggle. The women's organisations in Uganda have had to work hard to get their voice heard, because they have been met with prejudice within both the government and the general society. In Uganda, men dominate both the political and the public sphere and women are often restricted to the domestic or private domain. The interests of women in Uganda, have largely been treated as issues of a domestic or private matter. Women have thereby not been treated as political actors. This implies that women are faced with obstacles for engagement in both civil society, and the political sphere in Uganda (Tushabe 2008:48).

The general civil society in Uganda at large is primarily elite driven, mostly active in urban areas, and based on many divisions (Lister and Nyamugasira 2003:103). Under the first authoritarian regimes after independence, most women's organisations were also divided along ethnic, cultural, regional or religious divisions. However, from the mid-1980s, women's groups became more inclusive and ultimately came to mostly disregard such differences (Tripp 2001a:103). The women's movement in Uganda has primarily managed to transcend differences in relation to ethnicity, religion, class, regional belonging etc. and have thereby managed to unite on the basis of being women in the struggle for women's rights. The women's movement also has strong connection to women at the local level (Tushabe 2008:50). In the local arena, many women's organisations are active in developmental tasks and in the assistance for women in meeting basic needs. Though these often do not address the state, Tushabe (2008:51), argues that they represent the "backbone" of all women organisations, as their work contributes to social and political stability. One such organisation is the "Ekikwenza Omubi" which works on a local level to improve local conditions for example in relation to health care (Tushabe 2008:52).

5.4 The women's movement and the transition

Museveni's takeover in Uganda represented the end of on-and-of conflict and civil war. It thereby represented new possibilities for the women's movement (Tripp et al. 2009:197). At Museveni's take over, women's groups were soon to start lobbying and engaging in political discussions and advocacy. They were determined to influence the new president's future policies, and his stand in relation to women's rights and gender equality. Women's organisations were pushing for the adoption of mechanisms to ensure greater devotion to gender equality, and the inclusion of women in decision-making. The women's organisations

made it clear to Museveni that women that had supported the NRA during the war would demand that the new government implemented policies beneficial to women, and that women should be included into decision making bodies (Goetz 2002:555).

Shortly before Museveni's takeover as president, the 'Action for Development' (ACFODE) was formed (in November 1985), as a women's organisation to advocate for democratisation and women's rights in Uganda (Tushabe 2008:51). The organisation was active in arranging discussions on women's issues and formulated demands that were presented to the new government (Goetz 2002:555). In the initial phase of the Museveni regime, the ACFODE advocated for the inclusion and representation of women into politics (Tushabe 2008:53). Ever since its formation, the ACFODE's goal was to be an independent women's organisation that was not tied to the state (like the NCW, which was established by Amin and was strongly controlled by the state). A high degree of autonomy was a priority from the start, and the organisation has continued to focus on preserving their independence and autonomy from the state (Tripp 2001:124).

The NRM did not have a special plan or policy on women, however, as a result of the pressure from, and visibility of, women's organisations, the NRM and Museveni took a position in which women's engagement was encouraged and accepted (Tripp et al. 2009:198). Museveni answered to the women organisations and showed that he would take them seriously, as such, he gained a lot of supporters from the women's groups (Goetz 2002:555).

The ACFODE, together with the NCW, was instrumental in pressuring for the formation of a national gender machinery that were to institutionalise processes for greater gender equality and women's rights. A Ministry for Women was established within the parliament (set up in 1988 (Tripp 2001:112)), and the introduction of 'women's desks' within every other ministry was a tool to ensure that women's interest be considered in all ministries (Tushabe 2008:53). In order to include more women in decision making positions there was created and reserved new seats especially for women through affirmative action for women's participation (Byarugaba 1997:10). The women's movement had advocated for the reservation of sets for women within local government, however, in addition to implementing this, Museveni also reserved 34 seats for women in the national assembly (called the "National Resistance Council)" (Goetz 2002:556). Within local governance, one third of the seats were reserved for women (Goetz 2002:556). The reservation of seats, and increased focus on women in

politics made it easier for women to gain political voice in Uganda. Women had a better chance in the political competition with men and the measure motivated women to participate that would earlier have stayed out of politics (Goetz 2002:550). The stronger focus on women in politics also enforced the development of CSOs focusing on the education of women on political matters and issues relating to democracy (Byarugaba 1997:11). The implementation of quotas in Uganda (in 1989), was one of the first and most far reaching measure taken on the African continent for the endorsement of female participation and inclusion. The appointment of Wandera Specioza Kazibwe as vice-president in 1993, further represented the first female vice- president on the African continent. Kazibwe served as vice-president from 1994 to 2003 (Tripp et al. 2009:140-163).

The women's movement largely welcomed the 'movement system' of Museveni, because women had generally met difficulties in gaining political positions, and the 'movement system' was pictured as providing greater access to political positions by women" (Goetz 2002:550).

The process of composing a new constitution in Uganda was a protracted process from 1989 to 1994 (Goetz 2002:554). During the constitution writing process, the women's movement became a strong voice for the inclusion of women's concern. The women's movement formulated many documents and propositions stipulating the need for gender- equality and women's rights. These were submitted to the Constitutional Commission. During the process the women's movement represented an effective and well- organised pressure group, and according to Tripp (2009:121) the women's movement represented the actor within civil society that presented the highest number of proposals to the Constitutional Commission.

Two women lawyers were appointed by Museveni to the Constitutional Commission, which were to produce drafts for the new constitution. These secured that important women's issues were introduced to the debate (Goetz 2002:556). The women's ministry also became prominent as it before the referendum over the constitution embarked on a mission to confer with and interview as many women as possible in the entire nation in order to capture women's interests and viewpoints on the constitution. Eventually, this exercise resulted in the women ministry making a memorandum that stipulated women's interests in relation to women's issues and the constitution. This memorandum was presented to the Constitutional Commission (Goetz and Hassim 2003:116).

During the debates over the draft constitution (1994-1995), the Constituent Assembly consisted of 18 percent women (52 delegates). Half of these had gained that position through special reserved seats, but 9 of the women had also gained their seats in election procedures in which they had won in the competition with men (Goetz and Hassim 2003:117). Within the Constitutional Assembly the women formed the 'Women's Caucus' and gathered in order to pressure for the inclusion of gender- sensitive policies. The group focused on cooperating with women's organisations as to ensure that their interests were taken up in the debates in the Constitutional Assembly, and also worked as to lobby other members of the assembly to gain support and understanding for women's interests (Tripp et al 2009:121).

The women's movement was actively engaged in the public debates around the constitution and backed the women sitting in the Constitutional Assembly (Goetz and Hassim 2003:117). Women's organisations formed an umbrella organisation called the National Association of Women Organisations that were specially occupied with communicating with the Women's Caucus. The ACFODE further produced TV and radio programmes, providing the public with information about the progress of the constitutional debates and main issues discussed (Tripp 2009:121). Through a strong focus and cooperation between women's activists outside and inside the Constituent Assembly, the women's movement was able to pose a strong and unified voice and, as a result, important concessions for women and gender equality were included in the constitution.

The constitution, which was adopted on the 10th of October 1995 (Mbire-Barungi 1999:437), is far reaching in its attention given to women and gender. The constitution stipulates goals of gender equality, and equal opportunities for women, and further, outlaws discrimination based on gender (Tripp et al. 2009:110). Affirmative action and preferential treatment of women is stated as means to address past injustices (Goetz 2002:556), alongside a commitment for the consideration of gender concerns in all policy formation (Tripp et al. 2009:122). Women's rights are separately addressed in relation to employment, property and domestic relations. The constitution also counters for the establishment of an Equal Opportunities Commission (Goetz 2002:556). The constitution is stated to overrule customary law. This is important because customary law often are discriminatory towards women. The constitution does, however, not make special reference to violence against women (Tripp et al. 2009:110).

5.4.2 The effects of the women's movement's involvement

During the transition to the new regime under Museveni, the Ugandan women's movement was able to create a unified and strong voice. Through wide ranging consultation with women around the country, the women's movement came to be accepted as the representative of women in Uganda. The women's movement had a large constituency backup (Tripp 2009:121).

Through sustained and unified work in the transition and in the constitution making process the women's movement, with the ACFODE in the lead, was successful in directly pushing for the implementation of a national gender machinery with mechanisms that were to improve women's rights, gender equality and an increased role for, and inclusion of women in politics and decision-making (Tripp 2001a:112). The women's movement was effective in bringing women into politics, by ensuring the inclusion of women in the negotiations of the formation of the new state and in ensuring the participation of women in the larger political domain through the implementation of affirmative measures for women in both local and national governance (Goetz 2002:550). The devotion to the inclusion of women in politics directly affected the state and laid the basis for a more representative democracy.

The pressure from the women's movement further ensured the adoption of a gender sensitive constitution that represents the founding principles for the new state Tripp et al. (2009:110). The women's movement also effectively advocated for the establishment of a Women's Ministry and ensured that gender-considerations be mainstreamed in all policy matters as "gender- desks" were established within all ministries to ensure that gender consideration be taken.

As a result of the women's movement's engagement, and Museveni's initial openness to women's demands, Uganda has under his rule seen a higher degree of women in parliament and government than ever before (Tushabe 2008:53), and women have gained a more prominent role within politics and decision making (Dicklitch and Lwanga 2003:492). Museveni has gained praise from the international community for his inclusion of women in the government and decision-making (Goetz 2002:549). In the current parliament in Uganda women hold 79 out of 334 seats (Tushabe 2008:53).

5.5 The women's movement and the state after the transition

After the initial successes reached by the women's movement during the transition, the Museveni government's real devotion to the inclusion and respect for women's rights are, however, doubtful. After adapting a gender sensitive constitution, affirmative measures and institution for the enhancement of gender equality, the government expect the women's movements loyalty, without any greater focus on issues of importance to women. According to Tushabe (2008:53), the Museveni government think that it has done its job in relation to women's rights, as quotas are adapted and institutions for gender equality is in place. The women's movement have at times been successful in advocating for and pressuring the government on policies, but at other times the women's movement, and women within the government, have clashed with the larger government (Tripp 2001a:112). Many proposed laws to enhance women's rights have been stalled by the government. In addition, Dicklitch and Lwanga (2003:492), state that, although the women's movement has made significant improvements in the Ugandan society, the women's groups have also to a great extent been subjected to pressure for incorporation and cooptation by the government (Dicklitch and Lwanga 2003:492). The government has made attempted to co-opt the women's movement by initially giving them some say in decision making but thereafter silencing them.

Goetz (2002:556), states that the measure by Museveni to go further than what was demanded by the women's movement after his take over represents the start of a patronage-relationship between the women's movement and Museveni, or the start of a process of co-optation of the women's movement. Reserving seats for women also in the national assembly, and not just in local levels of governance, provided Museveni with strong support from the women's movement. This support Museveni used as a tool to demand loyalty from the women's movement in the future. As the NRM government was depending on creating political support and acceptance for its regime within the population, the recruitment of women into politics is a way for Museveni and the NRM to show that the no-party system in fact was an inclusionary system. The Museveni government have been working to promote the inclusion and placement of women in leadership position as a strategy to benefit the government as the end goal, argues Tripp (2001:101). The government is working to keep women and the women's groups as a constant support base for Museveni (Goetz 2002:560). An example of this can be seen as Trip et all. (2009:199), states that in 2005 Museveni sought support and 'goodwill' from the women's movement by agreeing with women parliamentarians to set up

the 'Equal Opportunity Commission'. The good will from this outreach Museveni used to gain support and acceptance, as he eliminated presidential term-limits. However, Museveni had already formally been committed to the formation of the 'Equal Opportunity Commission', through the 1995 constitution (Tripp et al. 2009:199).

5.5.2 Women's engagement counteracted

Even though women have gained a more prominent role in decision-making in Uganda, the government have often not been supportive of promoting policy and law changes that would benefit women, especially in relation to marital and property rights. The government is particularly reluctant to support and adopt policy changes that challenge traditional norms about gender relations (Dicklitch and Lwanga 2003:492).

At occasions, women's organisations and women within parliament have been directly counteracted by the government. Despite increased representation of women in politics, Tushabe (2008:56), argues that president Museveni still has "the power to decide whether, when and how women will get what they ask for", and do not hesitate in using that power. For the adoption of new laws, the leadership of the NRM must support the introduction, and the top leaders can easily stall the initiatives taken by women (Goetz 2002:563). An example of this was seen when in 1998 women's organisations and women within the parliament advocated for the inclusion of a section to enhance women's rights to property, through co-ownership, in the '1998 Land Bill' (Goetz 2002:564). The women's movement had from 1997 focused on and worked for greater rights for women in relation to land ownership, and lobbying from women's activists were successful in attracting support for the amendment (Goetz and Hassim 2003:126). However, although the amendment was passed in parliament on the 25th of June 1998, it was not included when the Land Act was published. Initially, the women's movement were told that the removal of the amendment was made because it was not passed through the right procedures, though it later became known that the amendment had been removed personally by the President, as he was not in support of the amendment (Goetz 2002:564). The amendment had been subject to controversy. Whereas women activists saw the amendment as very important for women's rights, and as important in order to counteract patriarchal systems and unequal rights to land for men and women, those in opposition to the amendment argued that it was contradicting tradition and customary law (Tripp et al. 2009:134). The issues over women's rights in co-ownership of land, was later

stated as to form part of the 'Domestic Relations Bill'. However, this bill has not been passed in parliament (Tripp et al. 2009:134).

Many women within the government have also been reluctant to introduce controversial suggestions in relation to gender equality, because of a fear of threatening their political ambitions (Goetz 2002:564). The 'Domestic Relations Bill', which the women's movement have strongly advocated for (Tripp 2001:113), "challenge men's right to control women and children in the family" (Goetz and Hassim 2003:127), and include such intentions as to make marital rape a criminal offence, and clauses on rights to divorce and property ownership for women. These are controversial issues in the Ugandan society (Goetz 2002:565). The 'Domestic Relations Bill' has not been passed, and few women have taken steps to promote it in parliament. Tripp et al. (2009:111) states that within many African countries the women's movements have faced the greatest challenges when pushing for changes that contradict customary law. Further, proposals for changing legislation in relation to power relations between men and women, and domestic relations have been met with resistance. Especially the intention of making marital rape a criminal offence is a factor that makes it unlikely that the domestic relations bill will gain enough support as to be passed (Goetz and Hassim 2003:128).

Within the Ugandan government, some women politicians see aligning with the NRM as more important than pressuring for women's issues, because they are afraid of jeopardizing the support from the government (Tripp 2001:119). But there are also strong women politicians within the government that are not afraid of opposing the NRM. These women are critical in pushing for important policy implementations. Within the parliament the 'Uganda Women's Parliamentary Association' is formed, and it focuses on having open lines of communication with the women's movement outside the state. Further, the women within the association attempts to focus on the interests of women, regardless of their party belonging (Tripp et al 2009:128). Pressure from the women's movement and women parliamentarians was in 1990 successful in ensuring the passing of an amendment to the penal code that made rape a capital offence. Women in parliament have also been strong in attacking and criticising corruption, and have been advocating for greater transparency (Goetz and Hassim 2003:128).

The role of the women's ministry in Uganda came be a disappointment. In its initial years the women's ministry worked to develop a national strategy on gender policy. It also engaged in

the training of heads of departments and politicians on how to work with planning and evaluation of gender considerations in policy. As such, it worked to ensure that gender considerations were considered in the formulation, planning and implementation of policies. The women's ministry also provided training for judges and lawyers on matters of gender considerations and women's rights, in an effort to ensure the mainstreaming of gender and women's rights (Tripp et al. 2009:184).

The functions and status of the women's ministry, however, came to diminish, as in 1999 the ministry was reduced to a department (department of Gender, Culture and Community Development) within the Ministry of Gender, Labour, and Social Development, at the same time as donor funding for its functions was cut. Within the Ministry of Gender, Labour, and Social Development the gender focus was downplayed as the staff and funding for working on gender- issues was reduced. The entity working on gender in 2003 was devoted 10 percent of the total amount of resources the ministry had available. As such, the effective working on gender considerations was weakened (Tripp et al. 2009:183-185).

5.5.3 Critique of affirmative measures for women

The effects and effectiveness of the one third reservations of seats for women have been subjected to criticism. Goetz (2002:557) state that the adoption of the system did not really create greater opportunities for women because instead of reserving existing seats in governance for women, new seats were created to "accommodate" women thereby expanding the total number of people in the constituency. The reservation of seats for women does, as such, not replace incumbents and male candidates (Goetz and Hassim 2003:118). Further, the election for the 'women seats' was held separately from the ordinary elections, creating confusion and a lack of voter turnout. In addition, the voting procedures for the 'women seats' were up to 2001 conducted through the queuing- voting system in which voters were to physically show their support by lining up in queues after the respective candidates. As such, the vote was not a secret one (This was replaced in 2001 with 'secret ballot- box' voting) (Goetz 2002:557). Tushabe (2008:53), in addition argues, that the fact that there is actually a need for affirmative measures to include women in politics is an indication that women to a great deal are still in a subjugated position in the political sphere. Further, the NRM acts as if the government's task for enhancing gender equality is done, because the women-seats are filled, and thereby the government can rely on the support of women deriving from the governments 'devotion' to the inclusion of women (Tripp et al. 2009:199).

However, Tripp (2001a:122), states that many women's activists in Uganda view the quota system as necessary, and as a temporary measure taken as to enhance women's involvement and women's visibility in politics. Increasing the visibility of women in politics leads to enhancing a culture of acceptance of women participation, in addition to effecting the values that women themselves have, by encouraging participation. Before Museveni, women were almost totally excluded from politics, however, after Museveni's takeover women have become visible in almost all levels of governance (Trippa 2001:112). Tripp et al (2009:122), state that the public and the media in Uganda increasingly see equal representation of women and men as important in a variety of situations and institutions. For example, the media are concerned with overseeing the number of women in relation to men within the cabinet. In another instance, voices from the public ensured that women was included in negotiation teams that were to engage in peace talks with the rebel group, known as the Lord's Resistance Army (LRA), that have been operating in Northern Uganda.

5.5.4 Cooptation and autonomy

Katusiimeh (2004), argues that the incorporation of civil society into the state is a tactic used by the Ugandan government when certain CSOs gain such a stand that they can in fact be in a position to challenge the government. The CSOs are given some say in decision-making processes, but are prevented from posing a serious opposition to the government (Katusiimeh 2004). In this matter, the organisations are silenced from playing a critical and truly independent role (Dicklitch and Lwanga 2003:492). Lister and Nyamugasira (2003:99), indicates that the NRM government relates to civil society with suspicion and calculate to what extent they can gain from including CSOs in policymaking, rather than naturally including and communicating with them. Within the Ugandan civil society in general, many CSOs suffer from a lack of autonomy (Lister and Nyamugasira 2003:99). Many CSOs have not been able to distance themselves from the government and the NRM. The lack of autonomy restricts civil society to such an extent that it is not able to develop independently, and thereby cannot play a meaningful role in keeping the government accountable and bring about any meaningful change (Katusiimeh 2004:100).

The women's movement in Uganda had a good connection with the NRM government from the initial Museveni years (Goetz 2002:549). However, on the other side, concerned voices

have been raised, arguing that the woman's movement have been so closely connected to the NRM that it creates problems. The strong pressure from the women's organisations after Museveni's takeover reminded him that there was a large support base to be gained, if he could manage to get many women and women organisations on his side (Goetz 2002:549). In Uganda, it has been debated to what extent the activities of the women's movement has lead to the government genuinely prioritising the inclusion of women and women's rights as an end in itself, or whether the NRM used a strategy of including women, as a plan for securing a good connection to women's groups that the government can use for their own advantage. As such, the real results and effects of the inclusion of women on policy are put under doubt (Goetz 2002:550).

As the government provides some provisions for the promotion of women's rights, the government in exchange demands the support of the women's organisations on other areas of the governments policies (Tushabe 2008:54). This can provide some gains for the women's movement in the short term, but in the long run erodes the women's movement's agenda (Tushabe 2008:54). This has given rise to arguments about co-optation of the women's movement by the government. Tripp (2001a:105), states that the relationship between the women's movement and the state in Uganda indeed is complex and multifaceted. Further, within the women's movement various organisations and the leaders within them are characterised by varying degrees of autonomy (Tripp 2001a:101). Some organisations are more autonomous or more co-opted than others.

In order to ensure the support of women, the government is soon to remind the public and the women's movement of what it has done for women. Before the 2001 presidential election, a series of adverts appeared in Ugandan newspapers. The adverts were allegedly made by an organisation called 'Women's Movement for the Return of Yoweri K. Museveni' (WORK). The posters urged women to vote for Museveni in the presidential election, and remember what the president had done for them (Goetz and Hassim 2003:121). However, it is believed that the government was actually behind the advert. The government in Uganda seek to build political support by focusing on and promoting women, and using this support for "its own intents and purposes" (Tripp 2001a:104).

The women's organisations, however, engage in shifting alliances. Despite increased pressure for co-optation, and as it became clearer that the government's devotion to women's issues

was rather shallow, the women's movement gradually became more critical towards the government. The Ugandan woman's movement have increasingly become more critical to the NRM government in reaction to seemingly deterioration of democratic values, and by the fact that the government are slow to follow up commitments that are made in the constitution or laws on women's rights (Goetz (2002:549). The women's movement has been aware of the fact that Museveni might in fact use his declared support for women's groups as a political tool to gain their support (Goetz 2002:560). However, by focusing on keeping good relations with the state, while at the same time guarding their autonomy the Ugandan women's movement has increasingly become more effective in advocating and lobbying on policy decisions, and thereby the Ugandan women's movement is to represent some of the most effective civil society groups in the country (Tripp 2001a:102). Tripp et al. (2009:19) further states that the Ugandan women's movement has been one of the most autonomous on the African continent.

Tripp (2001:105) describes the relationship between the women's movement and the state in Uganda as one of "constructive reciprocity". A high number of women's organisations in Uganda have been allowed to operate, and to some degree oppose and criticise the government, because the government needs the support of the women's movement and cannot risk jeopardising this support or the women's movement turning against the government, because the women's movement is a strong actor (Tripp 2001:113). Rather than a sign of co-optation, good relations with the government have been instrumental for the women's movement in order to reach important successes argues Tripp (2001:102). Many policies on women that are adopted by the government is formulated, or influenced, by women's organisations. As such, even though the main reason why the government adopts them is to retain the support of the women's movement, the adoption of the policies is still important (Tripp 2001:113). Further important is that the government has not been able to totally control and co-opt the larger women's movement. The women's movement at large has been able to keep a substantial degree of autonomy, and women's organisations have been able to elect their own leadership without interference from the government or political parties (Tripp 2001:108-116). Women's organisations that are perceived to have close relations with the NRM have also been able to oppose the government (Tripp 2001:102).

The Uganda Women's Network (UWONET), is one organisation that has been an influential woman's organisation in Uganda (Tripp 2001:115). The UWONET, which is an umbrella

organisation comprised of a variety of different women's groups, in the period before the 2001 parliamentary elections was visible in advocating for greater democratisation in Uganda. The UWONET criticised what they saw as undemocratic trends within the NRM. The organisation also called for greater space and devotion to women's rights (Goetz 2002:562). Goetz (2002:562), argues that the work of the UWONET in this period marked the beginning of the women's movement in Uganda becoming more critical of the government, and taking greater measures as to separate itself from it. The action of the UWONET promoted greater participation of women in politics generally, and a greater acceptance for women in leadership roles and politics (Goetz 2002:562).

5.5.5 Genuine devotion to gender equality needed

Despite increased levels of inclusion of women within the state, women still have to fight to get their voices heard and more importantly to get their points through both within civil society and within the state. A genuine devotion to women's rights and gender equality is not secured simply through the inclusion of women in government. Women's concerns still hold a secondary position in politics (Tushabe 2008:52). Tushabe (2008:56), argues that dominant values in Uganda still argue that women do not hold equal rights in politics, participation and decision-making. Women's needs and gender equality are not treated as an integral part in creating and sustaining democracy. As such, it becomes clear that the representation of women in politics, and within the state, does not necessarily secure gender equality and improved women's rights. As women within the state are faced with difficulties in getting heard, there is a need for a strong autonomous women's movement outside the government, which are pressuring and supporting women within the state. Women in government cannot take a strong stand on gender equality issues, if they do not have backing from a strong women's movement outside the state (Tripp 2001:118). There is thereby a need for both a strong women's movement outside the state, and a high level of women inside the state. Further, these need to communicate with each other for attaining a greater devotion to gender equality and women's rights. In 2001, the 'Coalition for Political Accountability to Women' was launched, as an organisation to directly support, as well as pressure women within the government to take strong positions on women's issues and gender equality (Goetz 2002:563). Other women's group have stated their task as to monitor the governments overall inclusion of gender concerns in all policies (Tripp 2001:112).

A devotion to and respect for gender equality must, however, extend to and take root in the larger society for real changes in relation to gender equity to take place (Tushabe 2008:55). Tripp (2001:122) states that as an effect of increased activity by the women's movement, the dominant values are slowly turning to become more respectful of women. She points to a slow but increasing openness to women's participation in politics and acceptance of women in leadership positions. In addition, an effect of the official statements made by the NRM government, about supporting women's rights and gender equality, is that, it encourages more women to participate in politics. With the backing of the government (although perhaps a rhetorical one), women can more easily stand against those who think women should stay out of the political sphere (Tripp 2001a:114).

5.6. Conclusion

In Uganda, women's organisations were at work already from the colonial era. These first women's organisations did, for the most part, not engage in political matters and were focusing on the improvement of women's situation on a day-to-day basis.

Further, under authoritarian leadership in the first decades of independence, the relationship between the state and civil society in Uganda was characterised by repression of the civil society by the state. The average citizen became detached from the state, and as civil society was subjected to great amounts of repression, it almost disappeared. The women's movement in Uganda was effectively restricted. Idi Amin sought to co-opt all women's organisations in order to prevent them from representing a critical voice and, as such, the women's movement was not able to work independently and did not engage in pressuring or targeting the state. The women's movement did, however, engage in apolitical developmental tasks to ease the deteriorating conditions in the country. The women's movement was especially involved in upholding educational and health services, thereby performing important tasks for improving the quality of life and society.

In the wake of new political circumstances after the takeover of power by the NRM and Museveni in 1986, the Ugandan women's movement, however, became increasingly political and to a greater extent engaged in political advocacy activities. The Museveni-era resulted in a more open space for civil society, and the number of women's organisations in Uganda increased at a high rate, as a result of greater freedom of expression and association. During

the first years of the new regime the women's movement represented a strong pressure group within civil society.

The relationship between the state and the women's movement changed from one of repression to one characterised by communication and dialogue. At Museveni's takeover, the Ugandan women's movement encompassed a strong and unified pressure group and demanded to be taken seriously and be given a say in the formation of the new state. With the Action for Development (ACFODE) and the National Council of Women (NCW) in the lead, the women's movement was successful in advocating for the formation of a national gender machinery with institutions for the promotion of women's right and gender equality.

The formation of a Ministry for Women, and the formation of 'women- desks' in every ministry was to ensure that the new state were to take women's rights and gender equality seriously in all its policy formations. Through affecting the constitution, the women's movement further ensured that important measures for women were included. The women's movement was also successful in ensuring the inclusion of women into politics, by pressuring for the adoption of affirmative measures for women. The reservation of seats and increased focus on women in politics made it easier for women to gain political voice in Uganda. Through the transition, the women's movement was, as such, constructive in laying the basis for a participatory, representative democracy that would uphold women's rights, although the democracy was a no party state.

The Museveni regime represents the first in Uganda which showed a willingness to address gender equality and women's rights directly. The 1995 constitution, is the first to include special attention to women within it. The Museveni takeover, as such, represents a big change (Mbire-Barungi 1999:437), and a great victory for both the women's movement and the general civil society in Uganda, as the period witnessed a process in which civil society groups managed to pressure effectively to influence the government. It represented a hallmark for civil society in Uganda, as it involved a process of communication with the state where in previous years civil society had largely been neglected by the state.

The transition phase laid the basis for a seemingly good relationship between the women's movement and the state. However, after the transition, the NRM's real devotion to gender equality and women's rights has been doubted. The NRM government has been reluctant to

take further measures for gender equality and women's rights, while at the same time expected the support and loyalty from the women's movement. Thereby the relationship between the women's movement and the state has become constrained. The government have attempted to silence the women's movement by occasionally giving some provisions, and thereby keeping the women's movement as a support base. Some important successes have been won by the women's movement, but at other times, the government deliberately counteracts the women's movements efforts, by taking authoritarian decisions, and sidelining the women's movement, and women within the government. The reluctance of the Ugandan state to genuinely promote gender equality is also apparent in its unwillingness to adopt policies benefiting women, especially if they challenge traditional norms in the Ugandan society. The downplaying of the women's ministry into a department in the Ministry of Gender, Labour and Social Development in 1999, further lead to the weakening of the potential of the national gender machinery.

Although the real extent of the effects of the women's movement has been doubted, and the women's movement has been charged with not being critical enough towards the government, the women's movement in fact represents one of the strongest pressure groups within the Ugandan civil society. Byarugaba (1997), states that the importance the women's movement has had can not be underrated. The movement in Uganda have presented a space for women to address issues of their concerned, be heard, taken seriously and be represented.

The women's organisations have been aware that the government have attempted to silence and co-opt them, and have thereby taken measures to keep their autonomy, and navigate in such a way that they can gain some successes. The state has not managed to totally silence the women's movement, and the organisations have been left without inference in the elections of leaders and in their day-to-day workings. The women's movement has, further, been able to openly criticise the government without serious reprisals from the government. This is because the government acknowledge the strength of the women's movement and cannot risk it turning against the state.

As such, in the initial years, the women's movement was to a great extent successful in influencing the new Ugandan state to take measures for gender equality and women's rights. However, at the same time as the Museveni regime cannot be said to have upheld its promise on the promotion of gender equality, the women's movement represents a strong voice in

society which allows it to operate and criticise the government, though its effectiveness is varying. Tripp (2001a:126), states that the policy framework of the Ugandan government regarding women is limited, but that without the involvement of the women's movement it would be even more limited.

Chapter 6 The women's movement and the state in South Africa

6.1 Introduction

This chapter engages in the study of the women's movement in South Africa. It focuses on investigating the relationship between the women's movement and the state. Further, the chapter seeks to investigate to what extent the women's movement has been successful in pressuring and influencing the state on policy formation, for improved women's rights and gender equality.

The characteristics of the women's movement are traced from the emergence of women's organisations during apartheid, through the role of the women's movement in the transition, and further, the character of the women's movement in the post-apartheid state is discussed. The relationship between the women's movement and the state has undergone changes from the apartheid-era, during the transition, and ultimately in post-apartheid South Africa.

The chapter first presents a brief political background to South Africa, which represents the political environment in which the women's movement operates. Secondly, the women's movement's functioning during apartheid and the transition phase is explored in order to discuss how the women's movement was able to influence the state. Thereafter the changing relationship between the state and the women's movement in the post-apartheid state is examined. The last section is the conclusion.

6.2 Political background

South Africa was governed under an apartheid state until the 1990s, when transition negotiations took place. The apartheid-state had been formally institutionalised in South Africa in 1948, however direct racism and exclusion of 'non-whites' had persisted for centuries before that (Fallon and Viterna 2008:674). The regime was characterised by extreme inequalities, severe repression, and racism in both the social, economic and political sphere (Waylen 2007:526).

In the face of severe repression a strong civil society emerged as a resistance force against the state (Waylen 2007:526). The African National Congress (ANC) was founded in 1912, as an organisation to work to improve the situation of the "African people in South Africa"

(Gwagwa 1991:70). In 1955, the ANC wrote the 'Freedom Charter' that expressed the ideal of a democratic South Africa without racial discrimination (Gwagwa 1991:70). The ANC was, however, banned by the apartheid state in 1960 (Gwagwa 1991:70), and the organisation thereafter had to work mainly from exile. An armed wing was created called the Umkhonto we Sizwe (MK) (Waylen 2007:528). With increased international pressure after the end of the cold war (Fairweather 2000:185), and substantial pressure from civil society resistance groups, the apartheid-state saw that it was no longer possible to keep the apartheid system (Fallon and Viterna 2008:674), and the ban of ANC was lifted in February 1990 (Gwagwa 1991:70).

Civil society is often described as the basis for the overthrow of apartheid and the building of the new democratic South Africa (Glaser 1997:5-7). The transition phase from apartheid lasted up until 1994, and involved negotiations between the opposition and the apartheid government (Fallon and Viterna 2008:674). The transition phase in South Africa represents a quite remarkable case because of the high level of involvement and inclusion of civil society in the negotiations (Heller 2007). Heller (2007:3), states that the transition saw the activities of "one of the most broadly developed, well-organised and sophisticated civil societies of any democratic transition".

There have been conducted four parliamentary elections in post-apartheid South Africa, which the ANC all have won by high percentages. The first democratic election in 1994, was conducted without major violent outbreaks (Bawa 2005:lx), and was as expected won overwhelmingly by the ANC, which gained 62,6 percent of the votes (Ersson and Lane 2007:225). Nelson Mandela became democratic South Africa's first president and embarked on the mission of further securing a peaceful multi-racial society. During the initial years of the post-apartheid era Mandela focused on reconciliation and the creation of a national South African consciousness and identity (Bawa 2005:lx, Habib 1997:15). The symbolic conception of South Africa as the 'Rainbow Nation' was adapted by the government and civil society alike as a symbol of the new non-racial South Africa (Habib 1997:16).

Bawa (2005:xl) states that although the Mandela-era was characterised by a more peaceful society, the quality of life for most South Africans had not improved to any substantial extent. In the 1999 election, the ANC won by 66,4 percent of the votes (Ersson and Lane 2007:219), and Thabo Mbeki became South Africa's next president, as Mandela stepped down after one

term (Bawa 2005:vll). The Mbeki government further focused on greater reconstruction alongside reconciliation for the improvement of citizens lives (Bawa 2005:x). The 2004 elections, the ANC further won by even larger numbers, 69,7 percent of the votes (Ersson and Lane 2007:219), and Mbeki embarked on his second term as president (Bawa 2005:vll).

The last election in South Africa was held on the 22nd of April 2009. The ANC's share of the votes was somewhat reduced, compared to the two earlier elections. The ANC gained 65,9 percent of the votes, and Jacob Zuma became South Africa's new president (Wehmhoerner 2009).

The transition to democracy in South Africa is generally perceived as a success. From the first founding election, South Africa's rates on democracy barometers, such as the Freedom House Index, have been high, and the South African democracy is regarded as the strongest Africa (Ersson and Lane 2007:221). The South African democracy is further viewed as stable, and not subjected to any real "challenge to democratic rule". A reversal of the democratic gains is though of as unlikely (Heller 2009:123). The South African democracy is built on the basis of strong democratic institutions. The judiciary is perceived as greatly autonomous, and working to scrutinize the activities of the government and prevent power abuses (Heller 2009:129-130). However, there have been raised voices of concern over the dominance of the ANC in the political sphere. South African politics are argued to be characterised by a dominant-party syndrome in which the dominant party, the ANC, becomes almost synonymous with the state (Ersson and Lane 2007:219).

The civil society in South Africa is, in general, thought to be vibrant and strong, consisting of a variety of groups (Lehman 2008:118). Activities undertaken by CSOs include attempts to influence policies through lobbying activities, protests, demonstrations, publications on policy issues and the organisation of discussions (Robinson and Friedman 2007:649). The South African political sphere is perceived as open for the activities of CSOs (Suttner 2004:758). And a strong and vibrant civil society works to stabilise the democracy through removing the possible negative effects of having one party dominating the state (Ersson and Lane 2007:235). In addition, high levels of freedom of association in South Africa are presented as conducive for both the strengthening of civil society and democracy in the country (Ersson and Lane 2007:235). Tupy (2007:1), however, argues that the ANC government largely does not welcome criticism, and attempts to silence oppositional voices, and demand loyalty within

the party. She states for example, that the government have attempted to use the state owned South African Broadcasting Corporation for state-propaganda, as it has controlled who is presented through the media. The proposed 'Protection of Information Bill' (POIB), and the 'Media Appeals Tribunal' in 2010, has also been received as attempts by the government to restrict the freedom of speech in South Africa. The Protection of Information Bill proposes that "corporate and commercial information" be held confidential, for the protection of the 'national security interests'. However, the bill has sparked opposition within society. It is by CSOs seen as unconstitutional and as contradicting section 32 in the constitution, which states the right of access to information. The bill is further viewed as an attempt to cover up questionable government practises (Calland 2010). Calland (2010) argues that the protest against the bill has brought about a revival of the civil society in South Africa, as a range of people and organisations have come together as to protest against the bill, which has popularly come to be called the secrecy bill.

South Africa is still affected by continued high levels of inequality in income and high unemployment rates. From 1994 to 2005, unemployment rates actually increased from 20 to 26,7 percent (Tupy 2007:2). These problems are presented as to hold the potential for possibly jeopardising the stability and further consolidation of the democracy in the country (Ersson and Lane 2007:227).

6.3 The women's movement during apartheid

The role that women should hold in the resistance against apartheid was subjected to debate within the resistance movements, and various actors argued differently. Focusing on the promotion of women's interests and rights were argued to have the potential to divide, rather than unify the supporters of the anti-apartheid movement (Seidman 1993:291). The development of separate women's organisations was argued to evoke divisions that could potentially have been used strategically by the apartheid-government, so as to weaken the resistance movement and harm the struggle (Fester 1997:46). As the national struggle for liberation was at the centre-stage, women's rights and gender equality were often left in the shadow of the need for creating a unified resistance (Seidman 1993:291). To a great extent the anti-apartheid organisations leadership was dominated by men, and women were directed to more subordinated tasks and grass-root work (Kuumba 2002:514). However, the difficulties for women to gain leadership positions within the resistance groups lead to the formation of

autonomous women's organisations such as for example the Federation of South African Women (FSAW) (Kuumba 2002:514). The FSAW was working from the early 1950s to secure women's interests although in a mostly male dominated resistance environment (Kuumba 2002). The FSAW organised women and arranged demonstrations, such as against the introduction of 'pass laws' in 1952 (Kuumba 2002:508).

The ANC's Women's League (ANCWL) was formed in 1943, and it was only then that women achieved full membership and voting rights within the organisation. Women were, however, not a part of the leadership in the ANC (Kuumba 2002:508). The ANCWL initially stated that gender issues should not be debated before after liberation. However, as the anti-apartheid struggle continued, the Women's League increasingly saw it as important to discuss gender issues (Seidman 1993:312). At a later stage, the ANCWL, however, came to demand that the new South African state should be based on freedom and equality for all, and that the freedom and equality of women was an integral and important part of this (Fallon and Viterna 2008:674).

Seidman (1993:293), states that towards the end of the apartheid-era there was an increase in the articulation of interests and demands made by black South African women, both within labour movements and community groups about how the new South Africa should relate to women's issues. As women increasingly engaged in political activities within the resistance against apartheid, they brought gender issues into the political debates (Seidman 1993:293). The 1980s saw an increase in the formation of women's organisations that worked especially on issues of concern to women (Waylen 2007:527). Increasingly, autonomous women's groups emerged in which women could articulate their interests (Seidman 1993:293).

Fester (1997:47), states that the women's organisations during apartheid acknowledged that women's situation would not improve, unless the apartheid was demolished, as such the fight against the apartheid-system was an integral part of most women's organisations. For example, the United Women's Organisation (UWO) in the early 1980s pressured for the end to apartheid and arranged boycotts and political educational programmes (Fester 1997:48). Women's organisations were engaged in both promoting women's interest and fighting for the end of apartheid (Kuumba 2002:509). Towards the transition phase women's demand for equality became greatly accepted both within the ANC and the society at large (Waylen 2007:528).

Women's organisations in South Africa during apartheid did not succeed in organising broadly at the national level, and this was partly because 'women' do not represent one unified and homogenous group (Hassim and Gouws 1998:53). In South Africa women were divided between racial, ethnic, and class differences which implied that they did not share the same living conditions and experiences, and thereby did not necessarily have the same interests. South African women were affected differently by the apartheid state. Black South African women were suppressed both on the basis of race and gender (Kuumba 2002:505).

In May 1990, the ANC presented a declaration stating that the liberation of women had to be addressed separately, and that the liberation of women was not a natural outcome of democratisation. This represented a great success for the women's movement as the declaration largely was a result of the involvement of the women's organisations (Hassim and Gouws 1998:63). The ANC, as such, accepted that the women's cause should be a separate part of the liberation struggle (Gwagwa 1991:72). However, for most anti-apartheid groups the struggle for women's rights were treated as secondary to the struggle for national liberation (Jagwanth and Murray 2002:256). The increase in autonomous women's organisation and the activity by women, however, ensured that the liberation of women became accepted as a part of the larger struggle for national liberation (Waylen 2007:527).

6.4 The women's movement and the transition

During the first round of transition negotiations in South Africa, only the major opposition parties engaged in talks with the government party, and civil society groups were left out of the process (Fallon and Viterna 2008:674). After being excluded in the initial rounds of negotiations, the women's organisations saw the need for unifying in order to gain a stronger voice and be able to influence the process (Fallon and Viterna 2008:675).

The Women's National Coalition (WNC) was formed in 1991, as a result of a fear of being totally excluded in the transition phase. The WNC's goal was to work for the inclusion of women in the negotiations in the transition process, and to be a part of the formation of the new South African state (Waylen 2007:530).

The creation of the WNC marks the beginning of an important period in which women's organisations in South Africa were very strong and influential (Hassim and Gouws 1998:53). The organisation united women's groups that were working on a variety of different issues under one umbrella organisation, despite their political differences (Fester 1997:55). Through the coalition, the women's movement was able to unify as to create one strong voice regardless of racial and social differences (Waylen 2007:530). Professionals, academics, politicians and activists alike formed part of the organisation (Waylen 2007:524). The WNC was independent of political parties and was not controlled by the ANCWL, although they had close connections with it (Waylen 2007:530). As an umbrella organisation, the WNC had a substantial support base, and could thereby largely claim to represent women (it included 13 regional coalitions and 90 individual organisations with different focus). Its inclusion of a wide range of organisations also ensured that it comprised many experienced female leaders. The WNC made the women's movement stronger than what it could have been if the organisations within it would have to work separately (Waylen 2007:531).

Through wide ranging consultations with women, and the organising of workshops, the WNC prepared a list of points and subsequently formed the Women's Charter for Effective Equality, which stipulated demands for the inclusion of women in decision-making, as well as demands for a devotion to greater changes for the improvements of women's status (Hassim 2005:13). This process involved as many as 2 million women nationwide (Meintjes 2006:231). The charter was handed over in the transition negotiations, and was meant to be added to the new constitution as an effort to safeguard the inclusion of concerns important to women's rights and gender equality (Fallon and Viterna 2008:675). The WNC engaged in the lobbying of political leaders and the organising of demonstrations (Fallon and Viterna 2008:675), as well as mobilisation and civil education programmes (Waylen 2007:530). In order to ensure the inclusion of women in the negotiation of the new constitution, the ANC Women's League threatened to "boycott" the first election, if women were not included (Hassim and Gouws 1998:64).

6.4.2 The effects of the women's movements involvement

The work, and strengths, of the WNC provided important results. First off all, the WNC was successful in advocating for the inclusion of women in the transition negotiations and in the constitution writing process (Fallon and Viterna 2008:675).

During the constitution negotiations the women's organisations also engaged in discussions with traditional leaders. Arguments were raised by some traditional rulers that customary law were to counteract the constitution. However, as customary law is perceived as suppressing women in relation to men, the women's movement advocated against this (Meintjes 2006:232). The women's organisations were fighting as to convince traditional and religious leaders that the constitutional freedoms, rights and principles of the constitution should adhere to all individuals, also to women (Albertyn 2003:608).

The WNC was successful in ensuring the formation of a national gender machinery with institutions and mechanisms around and inside the state that were to secure the promotion of gender equality and prevent the exclusion of women's interests. These institutions were perceived as the means through which the state would be held accountable to its commitments to promote women's rights and gender equality (Hassim 2005:14). In order to ensure the 'mainstreaming' of gender equality, all ministries were to have a gender desk, to examine all policies formed, and to guarantee that gender equity considerations were taken and appropriately addressed (Fallon and Viterna 2008:675).

Within the government, the 'Office on the Status of Women' (OSW) was based in the office of the vice-president (Hames 2006:1315) (set up in 1997 (Waylen 2007:535)). The OSW's were given the task to develop a national strategy on gender equality and to provide recommendations on the enforcement of this strategy (Hassim 2003:509). The OSW were meant to be an organ that work to make sure that gender considerations were taken within all ministries and in all policies, and therefore have "provincial structures within the various premiers' offices" (Waylen 2007:535). Further, the OSW are also meant to provide a link between women's groups and NGOs on the one side, and the government and the president on the other (Hassim 2003:509). In addition, in the legislature the 'Parliamentary Women's Group' was set up in addition to the 'Joint Standing Committee for Improving the Quality of Life and Status of Women', made up by women MPs (Hassim 2003:509). The later is meant to oversee the progress made to improving women's rights and status (Jagwanth and Murray 2002:266). The independent 'Commission on Gender Equality' (CGE) was set up as an autonomous institution to promote and protect gender equality (Jagwanth and Murray 2002:264). The task of the commission was to be to evaluate the performance of both the

government and the private sector on the implementation of gender sensitive policies and practices (Hassim 2003:508).

This national gender machinery was to be the basis for a gender mainstreaming agenda, and was to ensure mechanisms through which women's organisations could present their demands (Hassim 2003:509).

The new South African constitution that was ratified in 1996, and came into force in early 1997 give significant attention to gender equality and women's rights (Jagwanth and Murray 2002:257). The WNC had successfully advocated for the inclusion of the women's charter (Fallon and Viterna (2008:675) and women's political and civil rights are, as such, stated in the constitution (Waylen 2007:538). The constitution declares that every citizen have a equal right to housing, food, water, social security and education (Jagwanth and Murray 2002:262). It focuses on redressing past injustices both in relation to race and gender (Jagwanth and Murray 2002:256). Through the constitution, the South African state has, as such, taken on a responsibility to address socio-economic inequalities and to promote gender equality. The government committed itself to pay attention to gender considerations in all policy formations (Hassim 2003:505-509).

Within the constitution, the Bill of Rights prohibit discrimination on the basis of race and gender (Jagwanth and Murray 2002:261). Further important aspects for women within the Bill of Rights relate to freedom from violence in the private sphere (domestic violence), and attention to reproductive rights (Jagwanth and Murray 2002:261). The constitution also emphasise the role of civil society in the new democracy. Civil society is declared as important for the promotion of good governance in the democracy (Mafunisa 2004:490).

In order to uphold its commitments on enhancing gender equality, a number of laws have been adopted by the government (Hames 2006:1315). Important laws for gender equity and women's right passed relate to issues such as work and employment, domestic relations, women's rights concerning sexual harassment and rights in relation to childcare and access to healthcare. Examples of important policy formations that are beneficial to the rights of women are 'the Employment Equality Act' and 'the Labour Relations Act' that both focus on non- discrimination, and such as 'the Prevention of Family Violence Act', 'the Choice on Termination of Pregnancy Act' (Jagwanth and Murray 2002:271), 'the Domestic violence

Act', 'the Maintenance Act' (Hassim 2003:513), and the 'Recognition of Customary Marriages Act' that are to protect the rights of women in customary marriages (Geisler 2000:625). As an effect of these measures taken by the post-apartheid state, many of the legal obstacles to gender equality have been removed (Jagwanth and Murray 2002:256).

In the first instance, the South African women's movement was important for the realisation of democracy in South Africa, through the participation in the resistance against apartheid. Further, the women's movement was an important part in ensuring that the post-apartheid South African state recognised all women as equal citizens with equal rights (Hames 2006:1314), and subsequently, the women's movement was pivotal in pressuring for the adoption of the extensive national gender machinery.

The unification of women's organisations through the WNC, strengthened the women's movement's collective voice and resulted in women playing an important role in the transition and the constitution writing process (Fallon and Viterna 2008:675). During the transition, the South African women's movement was at its strongest (Hassim 2003:507). Under the lead of the WNC, the women's movement in this period represented one of the most capable and well organized women's movements witnessed at the African continent, argues Hassim (2003:507), as it was to a great extent able to lobby and influence the state to take gender considerations seriously. The Women's Charter that was formulated by the WNC, became the basis for the new gender-equity framework of the new South African state (Meintjes 2006:232).

The women's movement represented an important participant in the 1992 to 1994 constitutional debates (Meintjes 2006:231). The result of the WNC's sustained pressure was the incorporation of important gender considerations within the constitution (Waylen 2007:522). The new constitution manifested the commitment by the state to protect and promote women's rights (Hames 2006:1314). The South African constitution adopted in 1997, have been called "one of the most gender-equitable constitutions in the world" (Fallon and Viterna 2008:675). The fact that the women's movement was able to participate in the discussions, and in extension affect the constitution, is of great importance because the constitution is the basis on which the state is built. The women's movement was, as such, successful in influencing the foundation of the new South African state, ensuring that the new state is one that is devoted to gender equality and women's rights.

The adoption of a national gender machinery with important institutions for the enhancement of gender equality after the transition is also important. These institutions, in addition to laws adopted, represent the mechanisms through which the state is to follow up on its commitments to gender equality as stated in the constitution. The adoption of these institutions, as such, lays the basis for a democracy receptive of citizen's demands and the protection of their rights. Structures designed for the communication between civil society and the state, such as through the 'Office on the Status of Women' (OSW), further provides the potential for a participatory democracy.

Meintjes (2006:233), argues that few women's movements in the world have been as successful as the South African women's movement in effecting and influencing the state and the national agenda. The efforts of the South African government to promote and respect women's rights have been held up as a good example internationally (Beall 2005:254). Without the involvement and activities of the women's movement during the transition period, a gender sensitive constitution and the creation of a wide ranging national gender machinery for securing gender equality within the state would probably not have happened, as experience from other countries show that democratisation does not necessarily lead to a greater devotion to gender equality and women's rights.

6.5 The women's movement in post-apartheid South Africa

The new South African democracy created a more open space for civil society organisations as an active civil society was formally promoted by the government (Heller 2007:11). However, the new political environment after 1994 resulted in changes in the character of the South African civil society, and especially in the women's movement (Habib 2005:674).

After the political transition (1990-1994), and the first democratic election, there was general optimism about the future for gender equality in South Africa. It was believed that women's activists that were now included in the state (either as elected, MPs or within the civil service and state institutions) would be able to pressure for greater equality and for the rights of women. It was believed that from within the state, women interests could be enhanced and positive change take place (Hassim 2003:505). Although quotas for women were not included in the constitution, the ANC adopted voluntary quotas in their national election lists, which

further encouraged other parties to include greater numbers of women (Hassim 2009:16), and ever since the first founding election of 1994 women's participation in parliament have been at around 30%. (Meintjes 2005:230).

The fact that many of the most experienced women activists were included in the state structures were seen as positive by the women's movement. The increase in representation of women were by the activists not seen as an end goal in itself, but rather it was viewed as a tool to ultimately reach greater gender equality. The inclusion of women into state agencies were perceived as a move that would strengthen women's position and provide a stronger opportunity to effect gender relations. The high level of women in the state was pictured to be able to direct the focus and priorities of the states policies towards gender equality and women's rights (Hassim 2003:505-510).

6.5.2 Weaknesses of the national gender machinery

Within the new political framework in South Africa, the greater changes for gender equality did, however, not come about as easily as expected (Hassim 2003:510). Women's involvement in the anti-apartheid struggle and the transition phase was a doorstep for women into political participation, however, the involvement of women in politics did not automatically produce the desired or expected gains (Hassim 2004:21).

The institutions created for the promotion of gender equality have after the transition been only feebly effective. During the transition negotiations, the establishment of a ministry for women had been discussed, though not put in place. However, discussions over forming a ministry for women commenced again in 2007, and in 2009, newly elected president Zuma declared the establishment of the 'Ministry of Women, Children and Persons with Disabilities' (Gouws 2010). However, the 'Minister of Women, Children and Persons with Disabilities' has been criticised for the lack of presenting plans and strategies for the ministry. The ministry is, as of October 2010, still not functional (The Sunday Independent 2010). The Ministry is poorly funded, as it receives only 0,01 percent of the national budget, and further, the minister is pictured as lacking the necessary knowledge and experience (The Sunday Independent 2010).

Further, the formation of the 'Commission for Gender Equality' (CGE), has actually been criticised. The commission was established as an independent organisation outside the 'South African Commission on Human Rights'. As such, it has been argued that the effect of the CGE's formation is that the human rights commission do not have to be concerned with gender issues, and thereby it is counterproductive, because gender and women's rights is not thought to form a natural part of human rights (Jagwanth and Murray 2002:265). The CGE have been ineffective as a result of "financial mismanagement, incapacity and political squabbling" (The Sunday Independent 2010). As of October 2010, there are discussions going on of whether the CGE should be amalgamated with the 'Human Rights Commission', though the parliament has not reached any decisions on the matter (The Sunday Independent 2010).

The 'Office on the Status of Women' (OSW) has by many women's activists come to be seen as a disappointment. It is perceived to have had limited effects, as it has been reluctant to criticise the government (Waylen 2007:535). The OSW came to realise that it would struggle to gain access to the cabinet and to the ministries, as there is no automatic lines of communication between the OSW and the ministers or the departments (Hassim 2003:511). The cabinet is the ultimate instance in setting the political agenda, and it is also the highest decision making instance within the government (Hassim 2003:511). However, the OSW had difficulties in getting access to and be heard by the "heads of government departments" (Jagwanth and Murray 2002:266). Although all ministries are supposed to pay attention to gender concerns this is rarely a priority, argues Jagwanth and Murray (2002:266), and the Parliamentary Women's Group have overall not managed to be a pressure groups within the government argues Waylen (2007:535).

According to Jagwanth and Murray (2002:266), a lack of funding and a lack of qualified staff has resulted in a lack of results, as well as a lack of devotion to gender equality from inside the state after the transition. Institutions that are meant to work to secure gender considerations are made up of people that do not have the right qualifications or motivation for gender related assignments (Jagwanth and Murray 2002:268). In addition, the institutions are meet resistance within the state (Waylen 2007:536). Although (formally) promoted from the top and the government, at lower levels of governance gender concerns are often met with reluctance or are even resistance. Commitment to gender equality is not as strong in the lower levels of departments and advocates of gender equality have to struggle as to get their voice heard within the government structures (Hassim 2003:511). In addition, within the

departments it seems to be uncertainty about what the 'mainstreaming' of gender equality actually means. In this regard, the OSW are perceived as weak, and not functioning in order to be a guiding part of the gender-sensitisation in all departments (Hassim 2003:212).

The 'Joint Standing Committee for Improving the Quality of Life and Status of Women' has been to some degree more effective, although not as effective as desired (Jagwanth and Murray 2002:266). The reason for this is that it was based within the parliament and thereby was able to be influential at times (Jagwanth and Murray 2002:267). The committee communicated with CSOs through open hearings with organisations, and it had to some extent been able to channel concerns from the women's movement into policy changes. In cooperation with CSOs it was for instance constructive in pushing for the adoption of the 'Domestic Violence Act' (1998) and the 'Maintenance Act' (1998) (Meintjes 2006:234). In accordance with the establishment of the 'Ministry of Women, Children and Persons with Disabilities' in 2009, the committee was divided into the 'Select Committee on Women, Children and Persons with Disabilities' based in Parliament, and the 'Portfolio Committee on Women Children and Persons with disabilities', in the National Council of Provinces. Where the first have been quite slow in getting into function, the latter have been quite active. The portfolio committee has the task of scrutinizing legislation and the executive, and also to secure that the government upholds commitments made through international treaties. Further the committee is to safeguard that the respective groups (women, children and disabled people) are represented and heard. Thereby, it seeks to influence policy through proposing legislation for the protection of the interests of the specific groups. The portfolio committee has arranged public hearings, and have worked to build lines of communications with civil society, in order to form possibilities for participation and for the specific groups to stage their interests (Gouws 2010).

Although important laws to secure women's rights and wellbeing have been adopted, women within the South African society are often still subjugated through tradition and customary law (Hames 2006:1317). Jagwanth and Murray (2002:291), argue that the enforcement of the constitutional laws is weak. The courts are not accessible to the entire population. Although on paper, all citizens hold equal rights to the courts, the average South African women are faced with obstacles to reach it. Thereby, they are largely restricted from benefiting from the laws that are to protect them from discrimination and abuse, argues Hames (2006:1318). In order to access the court system, a substantial amount of time and resources needs to be

available. In addition, many women are still not aware of the rights that they hold because of, for example literacy or language problems (Hames 2006:1320-1322). The weakest in society do generally not have access to the security of the courts, such as for example poor black women in the rural areas. Those who are benefiting from the new laws through the courts generally belong to already privileged or strong groups in society (Jagwanth and Murray 2002:291). In general, Lehman (2008:118), argues that forums for communication with the state are not always equally accessible to all people or organisations, and it is largely the biggest and most financially strong actors that manage to engage in such communication.

Based on the weakness of the institutions set up to secure gender equality and the low level of enforcement of laws, Jagwanth and Murray (2002:299), argue that the devotion to gender equality by the South African state have largely remained at “the rhetorical level”. The rights that women are given on paper have yet to become visible or effective in women’s everyday lives (Hames 2006:1325). Hames (2006:1326) claims that the institutions and structures employed for enhancing gender equality and women’s rights remain “hostile and remote” from many women.

6.5.3 Women inside the state

Within the state structures, women have also become frustrated with the role as working within the government or state institutions. Many women’s activists were unfamiliar with the procedures and had to adjust to working within formal hierarchical structures, rather than in societal organisations (Jagwanth and Murray 2002:268). Within the parliament, the women had to adapt to new procedures, and some were struggling because of a lack of experience with government (Hassim 2003:11). Waylen (2007:534), states that in fact many women gave up their position after their first term, because of disillusionment with their new position. Women’s effectiveness in pushing for gender equality have been reduced because of a lack of experience and a general subjugated status of women within the larger society that did not naturally turn around overnight (Meintjes 2006:233).

In addition, as an effect of demands for party discipline, some women became more preoccupied with satisfying the party rather than the constituency they had originally represented (Waylen 2007:534-535). Women representatives within the government found themselves torn between focusing inwardly in the government, and at the same time satisfying

the women's organisations outside the state (Hassim 2003:514). When in government, some previous women activists lost their connection to the women's movement, as they embarked on their new tasks within the government (Waylen 2007:534). Centralisation of decision-making within the ANC also resulted in weak connections to the grassroots, argues Waylen (2007:539). The lines for communication between elected women within the state, women in the civil service and in women's organisation deteriorated rapidly (Hassim 2003:510). Hassim (2003:514), argues that there has been little focus on ensuring connection and lines for communication between the women's movement and the government. As a result of weaker connections with the grassroots and the women's organisations outside the state the women within parliament also gradually lost some of their legitimacy as representatives of the women constituency (Hassim 2003:513). Hassim (2003:516), states that a weakened connection between the women's movement and women in parliament was noted as early as in 1995, even though the importance of such a connection was highlighted. The activists outside the state have been criticising those in government for not pressuring the government hard enough.

6.5.4 Demobilisation of the women's movement

Within the new political environment in South Africa, an unforeseen or unexpected consequence has been the seemingly demobilisation of the women's movement.

In the post-apartheid state, the women's movement with the WNC in the lead, was pictured as a crucial mechanisms to ensure that the government kept to its promise and stayed accountable to women (Hassim 2003:509). A strong women's movement within civil society, was thought to be the overarching watchdog of the newly implemented national gender machinery, in order to secure the accountability of the institutions (Waylen 2007:535). The civil society at large was perceived as important for further democratisation. However, after the transition, in which civil society played an important role, and after the first election in 1994, the South African civil society is from different sources argued to have contracted (Heller 2007:11), and the women's movement is described as to have become less visible in South Africa. Hassim (2004:1), states that even though the women's movement was very strong in South Africa during the early 1990s, its strength was deteriorating and by 2004 the movement appeared quite weak. Even though important victories for the women's movement were reached in the constitution writing and early policy formation of the post apartheid state,

the women's movement has been unable to make sure that these commitments and laws are upheld (Hassim 2004:21).

Women organisations, like CSOs, in general after the transition lost many of its leaders, as they entered into the government or political institutions (Hassin and Gows 1998:68). This has affected the women's organisations negatively, as the quality and strength of the organisations has decreased. Without strong and experienced leadership women's organisations ability to put women's issues on the agenda has decreased (Waylen 2007:538). Hassim (2003:516) states that the women's movement overall ability to influence the state and effect the government on policy have decreased. Further, the debates around gender issues have been moved somewhat from civil society to the state (Hassim and Gouws 1998:69). Women actors within and around the state became the most important actors in relation to gender politics after the formation of the new state (Hassim and Gouws 1998:53). The state became the main actor and tool for the responsibility to uphold gender equality (Hames 2006:1315). Further, the 'gender mainstreaming' focus of the state, and the process making the state the most important actor for the enhancement of gender equality resulted in the women's movement becoming sidelined and its strong voice have decreased substantially (Hames 2006:1317).

Despite the WNCs important role and strong voice during the transition in South Africa, the organisation increasingly lost its strength and relevance after the founding election of 1994 (Waylen 2007:524). Many of the leaders of the WNC were taking up new positions within the government (Fallon and Viterna 2008: 675), and thereby had to resign from the organisation because of the adoption of a rule stating that people in leadership positions within the WNC could not at the same time be part of a political party. The previous leaders of the WNC that entered the government, as such, had to leave the organisation, reducing its capacity as much experienced leaders were lost (Waylen 2007:538). In addition, as an effect of this law, almost all members of the ANCWL withdrew from the WNC (Waylen 2007:538). The WNC was heavily affected by the sudden lack of experienced leadership. The unifying issue within the coalition that had kept the various organisations within it together had been the inclusion of women in the transition and constitution negotiations. As this goal had been reached, the organisation seemed to lack an agenda that could unite the various organisations within it (Fallon and Viterna 2008:675). The member organisations within the WNC were engaged in such a broad range of different issues that they did not manage to stay unified around

common goals and specific areas of importance. With a weakened leadership, it appeared hard for the organisations within the WNC to gather around unifying issues, which could keep the organisation together and sustain it as a strong and important actor. As such, the members of the coalition largely went back to their original organisations as to work with issues of special importance to them (Hassim and Gouws 1998:66). A result of the fragmentation of the WNC, was that smaller women's organisations and grassroots organisations were left without a (unifying) national organisation, and a "clear and coherent" leadership (Hassim 2004:21). The fate of the WNC caused a weakening voice for the women's movements in South Africa (Waylen 2007:538).

This is not to say that women's organisations have disappeared, or are absent in South Africa. On the contrary, a range of women's organisations do operate. Especially, a plurality of women's organisations exists at the local level. Further, women's organisations are also involved in advocacy work in the political sphere. However, Hassim (2005:20), states that it is rather the connections between the organisations at the different levels that have resulted in a weaker voice for the women's movement.

At the local level, many women's organisations, and community based organisations (CBO'S), are focusing on social services and developmental tasks. However, these organisations are largely detached from formal politics, and do not engage in attempting to pressure the state (Hassim 2005:18). On the other hand, women advocacy groups focus on monitoring the states activities and seek to hold it accountable to its commitments, while at the same time pushing for greater improvements in policies on women's rights and gender equality. These organisations are visible actor within the public debates (Hassim 2005:15). However, as the organisations are primarily centred in the political domain and predominantly in urban areas, they often have a bad record of keeping the connections to the constituency that they actually are to represent. Advocacy groups are often based far away from the reality of poor rural women (Hassim 2005:16).

Although a variety of women's organisations are at work within the South African civil society, there seems to be a lack of connection between the local and the more politically engaged organisations (Hassim 2005:20). Advocacy groups are faced with the challenge of understanding and representing the needs, realities and interests of women at the local level, and especially in the rural areas. Whereas in urban areas women and women organisations

have access to information about, and opportunity to participate in, the public discussions, this information and opportunities are rarely extended to the rural areas. The lack of communication between locally based, and advocacy women's groups prevent the presence of a strong visible national women's movement. Although many women's organisations exist, a coherent and strong women's movement is not visible or able to form a strong voice at the national level (Hassim 2005:15).

6.5.5 Effects of the women's movement in post-apartheid South Africa

The women's movement was pivotal in the breakdown of apartheid and in the transition and constitution writing phases, but ultimately "achieved less than had been hoped for" in the new democracy (Waylen 2007:540). Viewed in light of the substantial effectiveness of the South African women's movement during the transition phase, the women's movement in the post-apartheid state seems to have been less effective. Within the new political framework the relationship between the women's movement and the state underwent fundamental changes. First of all, many women activists entered into the state, thereby leaving the civil society terrain for that of formal politics within the state. Although the new South African state encouraged the working of CSOs and women's groups the debates on gender equality were moved from the civil society and into the state. The state was to be responsible for the enhancement of gender equality. Outside the state, the women's movement have further become disillusioned with the further agenda of a national women's movement after the transition (Hassim 2003:507)

In the first instance, women within the state structure have largely not been able to further affect the state and its policies to any great extent. The inclusion of women inside the state structures had been thought of as a tool to direct the focus and priorities of the state towards gender equality and women's rights. However, women within the state have largely not been effective in attaining this. The inclusion of women into state structures did not ensure the expected or desired greater changes for gender equality. Although women's participation in the political sphere have increased and the women's organisations have at times been successful in putting important issues on gender differences on the agenda, women in South Africa are still largely in a subjugated position in relation to men, as great inequalities between men and female persists. This gives rise to the argument that the security of gender equality needs more than the inclusion of women into parliament (Hassim 2003:507). The

inclusion of many women into government does not necessarily lead to greater gender equality in itself (Waylen 2007:534). Within the state, women's activists have been met by problems deriving from a lack of experience and in addition to resistance and obstacles within the state structures for being able to pressure for fundamental changes.

Secondly, the women's movement outside the state has not been able to ensure that the provisions made by the state in the transition and the initial years after the transition have resulted in meaningful change. Gains in areas such as representation of women in parliament and institutions to enhance gender equality does not replace the need for a strong and vibrant women's movement within civil society to lobby and communicate with the state (Hassim 2003:507). A seemingly demobilisation, and a weakened voice of the women's movement in post-apartheid South Africa have, however, resulted in that the women's organisations have not to any great extent been able to pressure the state to genuinely uphold its commitment to the promotion of gender equality. The work of a strong women's movement outside the state is a necessary condition for the attainment of a greater devotion to gender equality and women's rights (Waylen 2007:541). A deeper consolidation of the South African democracy and commitment to gender equality depends on the way in which the women's movement outside that state is able to pressure and influence the state (Hassim 2003:524). An important role for the women's movement outside the state is to examine, evaluate and pressure the institutions that are put in place. An independent women's movement as a representative of women's concerns in South Africa is important (Hassim 2003:524). The constitution represents an important bundle of rights, but does not necessarily lead to greater gender equality in its own right (Jagwanth and Murray 2002:265). In order to secure a strong women's movement outside the state women's organisations also needs to continue trying to cooperate to represent a strong voice (Meintjes 2006:236).

The women's movement within civil society holds an important role in pushing for and ensuring the genuine devotion to increased women's rights, through holding the state accountable to its commitments. The communication and negotiation between a strong women's movement and the state is pivotal for a further commitment to gender equality and women's rights in South Africa. Only through a strong women's movement can the successes reached in the transition phase result in genuine changes for women's situation in their everyday life. Especially a constructive dialogue between the women's movement and women within the state is important. Women within government through being receptive to the

women's movement, needs to work as to effect and change the political culture also within the government so that it genuinely respects gender equality and women's rights (Meintjes 2006:236). Women within the state further need the backing and pressure from a strong women's movement outside the state to be able to do this. For a strong women's movement to exist, stronger connections and cooperation between locally based and political advocacy groups need to be established (Hassim 2005:15).

Civil society is also important in contributing to making the average citizen and the average women aware of the rights that they hold. Further, civil society holds a potential for assisting in helping citizens reach the courts, so that they can demand the upholding of their rights. As has been stated, an improved legal status of women is insufficient when the laws are not enforced and courts are not accessible to those that need them. 'Ordinary' individuals have few possibilities of reaching and winning in the courts, because of lack of resources and knowledge about the procedures (Jagwanth and Murray (2002:292). The Gender Commission is stated to have such a task as to assist individuals in court cases, but poor finances have prevented this from happening (Jagwanth and Murray 2002:292). Jagwanth and Murray (2002:292), state that within the courts stronger organisations and NGOs have a chance of getting through and winning in the court. Thereby, CSOs have a potentially important role in assisting marginal groups in the securing of their right, in addition to educational campaigns which can educate people on the rights they actually hold (Jagwanth and Murray 2002:292).

In order to attain greater levels of gender equality within society at large, a greater gender consciousness is also necessary within the society at large (Jagwanth and Murray 2002:257). For greater devotion to women's rights and increased gender equality a major change must come about in the attitude and culture in the larger society, as traditional and customary values still obstruct women's possibilities for being truly equal in society and in the state (Hames 2006:1318).

6.6. Conclusion

Autonomous women's organisations emerged from within the resistance against apartheid. These women's organisations worked both for the promotion of women's rights and for national liberation. The work of autonomous women's organisations resulted in the ANC in 1990 stating that the liberation of women had to be addressed as a separate cause alongside the cause of national liberation. These women's organisations were pivotal in ensuring that

gender equality and women's rights became accepted as an important cause that had to be addressed in the transition to democracy. The devotion of the ANC to the inclusion of women's rights upon the transition came as a result of the sustained pressure from the women's movement and the strong voice it possessed through the Women's National Coalition (WNC) (Fallon and Viterna 2008:683).

Through the unification of women's organisations in the WNC the women's movement gained a strong voice and was able to ensure the inclusion of women in the transition negotiations. Improved relations, and greater communication and negotiation between the women's movement and the state resulted in that the women's movement was successful in pressuring for the adoption of a national machinery for the enhancement of gender equality. The women's movement successfully advocated for the inclusion of the women's charter in the constitution, and ensured a devotion to gender mainstreaming within the state and the formation of institutions for the protection of women's rights and gender equality. Through a gender sensitive constitution, including fundamental rights for women, the women's movement was successful in assuring that the foundation the new state was build on was one that took on a responsibility to protect women's rights and promote gender equality. The constitution and the implementation of important institutions and mechanisms for gender equality, laid the basis for a democracy determined to uphold the rights of equal citizens. As the South African state became receptive of women's participation in politics, women greatly formed a part of the new state. The increase of women's participation and inclusion of women in the state is a feature that strengthens the democracy by becoming a more participatory democracy.

The adoption of a wide ranging national gender machinery, resulted in women becoming more visible, and their needs more directly addressed and respected within the new South African state. However, the national machinery suffers from a lack of resources available, and from the fact that it is largely driven by the elite. The average citizen is often detached from the machinery, and people within the institutions often lack the necessary experience and knowledge on gender- mainstreaming. The adoption of the national machinery has largely not been followed by the redistribution of resources, and its adoption has not resulted in greater changes in unequal gender relations, especially at the grassroots level. Further, the formal inclusion of women into politics is not sufficient for the substantial improvements in the lives and status of women, and especially poor women living in rural areas (Hassim 2005:9).

Thereby the inclusion of women into political decision-making and the adopting of institutions forming a national gender machinery does not in itself bring about greater gender equality. Women's organisations and a strong women's movement within civil society is a necessary condition alongside the inclusion of women in formal politics and decision-making.

After the transition to democracy the new political environment involved changes in the relationship between the women's movement and the state. In the first instance, the inclusion of many of the women's activists in the state, and the responsibility taken up by the state to promote gender equality resulted in the debate on women's rights and gender equality being moved from the civil society domain and into the state. The women's movement outside the state lost many of its most experienced leaders, and a disillusionment about the further role for the women's movement with a weakened leadership base resulted in the fragmentation of the WNC, and further, a seemingly demobilisation of the women's movement. The institutions and mechanisms put in place for the upholding of women's rights and the inclusion of women into the state did, however, not result in the expected or desired gains. Women within the state have lost the connection to the women outside the state, and the institutions put in place are argued to have been only weakly effective. The seemingly demobilisation of the women's movement outside the state is unfortunate because a strong women's movement is instructive as a tool to pressure the state and hold it accountable on the commitments that it has made to uphold gender equality.

The seemingly demobilisation of the South African women's movement is, however, not the result of a lack of women's organisations. However, although a range of women's organisations are at work, great divisions between locally based organisations and women's organisations engaged in political advocacy activities leads to that a strong and unified women's movement are lacking. Hassim (2005:26), points to a need for a strong autonomous women's movement in which the women's organisations at the different levels to a greater extent cooperates. In this way the advocacy groups seeking to influence the state and hold it accountable could actually know, and more greatly represent the realities and needs of women at the local level, and especially in rural areas.

Chapter 7 The women's movement and the state in Kenya

7.1 Introduction

This chapter investigates the character of the women's movement in Kenya, and especially its relationship with the state, in order to discuss to what extent the women's movement has been able to influence the state on policymaking for improved women's rights and gender equality. The chapter first engages in an exploration of Kenya's political history, before the women's movement's relationship with the state is assessed. The chapter further focuses on two women's groups in Kenya, as to exemplify the relationship between the women's movement and the state.

7.2 Political background

Kenya was a British colony and became independent in 1963 (Kibaba 2004:2). Under colonialism, civil society, and political engagement by the people was greatly restricted by the colonial powers (Nzomo 2003:185). However, the last years of the colonial era was characterised by resistance from the Kenyan people (Kibaba 2004:2), for example through the Mau Mau revolt which started in 1952 (Allpress et al. 2010:83). Women were engaged in the Mau Mau as combatants and also arranged protests and demonstrations against the colonial state (Tibbetts 1994:35).

At independence, the Kenya African National Union (KANU) won the founding election and Jomo Kenyatta became Kenya's first president in 1964. The opposition party, the Kenya African Democratic Union (KADU) was dissolved and some of its leaders joined KANU. This meant that KANU remained the only real political party, indicating the start of a de facto one-party state in Kenya (Kibaba 2004:2). Under the presidency of Jomo Kenyatta (1964-1978), the Kenyan civil society was mostly preoccupied with developmental tasks, and did not engage so much in political advocacy (Matanga 2000:6). The Kenyatta government promoted the working of CSOs that focused on developmental tasks and self-help activities (House-Bidamba 1996), and attempted to restrict those that were more politically active. Many organisations were based on ethnic belonging and worked with developmental tasks for their specific ethnic group (Kibaba 2004:3).

As Kenyatta passed away in 1978, his vice-president, Daniel Arap Moi, obtained the presidency in 1979 (Matanga 2000:10). Moi increasingly came to depend on authoritarian measures to consolidate his hold on power (Matanga 2000:10), especially after an attempted coup in 1982 (Barkan 2004:89). Moi demanded political loyalty through the use of carrots and sticks, rewarding supporters either with money or political positions, and undermining critiques either by expelling them from positions (or the party) or by the repression of opposition in society. Civil society was especially subjected to repression under Mo's rule (Barkan 2004:89). The regime was characterised by the personalisation of power (Matanga 2000:6), state corruption, kleptocracy and deteriorating human rights conditions (Barkan 2004:89). In 1982, Kenya was declared a *de jure* one-party state with the KANU as the only legal political party, a measure by Moi to secure his position (Matanga 2000:10). The regime became known for using 'detention without trial' against the opposition and critical voices (Matanga 2000:11), and outright torture was not uncommon in the treatment of the political opposition (Barkan 2004:89). Freedom of expression was not respected, criticism not accepted and, in general, the society came to be characterised by a fear of the state and of opposing or criticising the state (House-Midamba 1996:292). Because of severe repression, the effectiveness and strength of CSOs was restricted, as their autonomy was damaged by close state control (House-Midamba 1996:293). However, civil society increasingly started engaging in political advocacy activities (Matanga 2000:6). This increase in political engagement by civil society was a result of more actors being willing to oppose Mo's increasingly authoritarian and repressive form of rule (Matanga 2000:6).

In the late 1980s, civil society in Kenya became more occupied with political matters and was working for an end to the one-party rule of KANU (Matanga 2000:2). With increased international pressure, at the same time as civil society organisations became increasingly more visible and outspoken (Kibaba 2004:3), the Mo-regime was eventually forced to democratise, and in late 1991, the one-party system was abolished and gave way to a multi-party democracy (Matanga 2000:16).

After the transition to multiparty politics, the expected larger political changes did, however, not happen (Kibaba 2004:5). Although the political space had opened for party politics, the political opposition was to a great extent fragmented and unable to present a unified opposition that could oppose the Mo-regime. Many opposition parties were formed dividing the opposition, and as a result Mo managed to regain the presidency in both the 1992 and the

1997 presidential election, with 36 percent and 40 percent of the votes respectively (Matanga 2000:16-22). Both the 1992, and the 1997 elections were affected by high degrees of violence with ethnic characteristic, and neither can be said to have been 'free and fair' (Barkan 2004:90). The effect of the opening of political space rather than bringing about a change in government, actually served as to strengthen Moi's hold on power, as his position was now secured through a stronger legal and democratic framework (Nzomo 2003:191). The Moi regime continued its path with repressive action against political opposition and civil society (Kibaba 2004:5). KANU had reluctantly accepted the reintroduction of multiparty democracy, but was largely not open to any further measures for democratisation (Brown and Kaiser 2007:1131).

The reintroduction of multipartyism meant that CSOs were given constitutional rights to participate in politics (Aubrey 2001:93). Nzomo (2003:190), argues that the 1990s involved the revival of the civil society in Kenya, old organisations that had been dormant, or in exile came to the surface and started operating again. After the reintroduction of multipartyism, the number of CSOs active in Kenya doubled in a short amount of time (Aubrey 2001:93). However, many NGOs chose to stay apolitical after the political opening, as state-repression was still a present threat (Aubrey 2001:94).

The Moi regime experienced increasing pressure from the opposition and eventually lost some of its hold on power (Barkan 2004:90). The formation of the National Rainbow Coalition (NARC) in October 2002 marked the start of changes in the political arena in Kenya (Kagwanja and Southall 2009:261). The NARC, was a coalition of different political parties uniting to oppose the KANU government (Barkan 2004:92). The opposition united around Mwai Kibaki as the presidential candidate. On the 27th of December 2002, the KANU was eventually voted out of power in the national elections, and was replaced by the National Rainbow Coalition (NARC) (Brown and Kaiser 2007:1138). In the election, NARC gained 132 seats in the parliament and KANU only gained 67 (Barkan 2004:90). As such, the political opposition had, finally, managed to unite and to support one candidate for the presidency and thereby managed to oust the KANU (Barkan 2004:90). The election represented the first change of governance through elections in Kenya, as the KANU had been in power ever since independence, and Moi had held the presidency for 24 years (Barkan 2004:87). President Moi was replaced by Mwai Kibaki who gained 62 percent of the votes in the presidential election and became the third Kenyan president (Kagwanja and Southall

2009:261). The election was largely accepted as free and fair and was conducted with lower levels of violence than the two preceding elections (Barkan 2004:90).

After the successful turnover of power, expectations within the Kenyan public and civil society were high. The NARC was initially popular within the Kenyan society (Kagwanja and Southall 2009) and people hoped for a future of greater political stability, improved economic conditions and an end to state mismanagement (Barkan 2004:87). However, as Kenya came to witness, democratisation is not necessarily secured through the overthrow of one authoritarian regime, or the change in government (Barkan 2004:87). Although campaigning on the promise of a reduction in the powers of the president, the NARC did not invoke such changes when in power (Brown and Kaiser 2007:1138). The NARC government did take some initial steps to combat corruption, and as a result, many people were removed from the judiciary (Barkan 2004:1138). However, few were prosecuted on the basis of corruption allegations, and the NARC government has also to a great extent been involved in corruption itself (Brown and Kaiser 2007:1138-1139). The devotion to combating corruption, and initial measures taken, was largely a strategy to gain support, and were more present on paper than in sustained action (Kagwanja and Southall 2009:264). It was soon clear that the Kibaki government, like the Moi-government, were also relying heavily on repression and state-sponsored violence of opposition and critics within society (Brown and Kaiser 2007:1138).

The last elections in Kenya were conducted on the 27th of December 2007. In the election Raila Odinga (representing the Orange Democratic Movement (ODM)) contested Kibaki for the presidency (Kagwanja and Southall 29:259). Kibaki was declared the winner by the Electoral Commission of Kenya (ECK), and sworn in as president for the second time on the 30th of December. However, the election was accused to be rigged and massive violence along ethnic lines followed in the beginning of 2008 (Kagwanja and Southall 2009:259). The violence resulted in the killing of about 2,000 people and as many as 300,000 were displaced from their homes (Kagwanja and Southall 2009:259). After external mediation, a power sharing agreement was reached, which established a coalition government in Kenya (Kagwanja and Southall 2009:260) with Odinga as Kenya's Prime minister (Bamfo 2010:120).

7.3 The women's movement in Kenya

In Kenya, women have mostly been kept out of politics, the state, and the public sphere. Women are to a great extent not viewed, or respected, as political actors. The state have at times pretended to be concerned with gender equality and women's rights, while at the same time effectively denied and restricted women's access to political power and structures within the state (Aubrey 2001:92). The Kenyan government have not been taking women's rights and gender equality seriously. Although ratifying international agreements on human rights, gender considerations have not been institutionalised into law (Nzomo 1994:18), and women's rights and gender equality have not been taken up for debate within the state (Aubrey 2001:92), although both "customary, statutory, and religious laws" in Kenya often work to subjugate women in relation to men (House-Midamba 2009:295). Thereby, there is a great need for a strong women's movement in Kenya to pressure the state to place such issues on the agenda. However, women in Kenya are also facing difficulties with engaging in civil society. Men largely occupy the CSOs, as well as the political parties, especially the leadership positions, although women do participate in pro-democracy organisations (Aubrey 2001:94).

7.4 Women's organisations at the local level

During colonialism, many Kenyan women were organised into local developmental and self-help organisations that were often formed along lines of ethnic belonging (House-Midamba 1996:292). These organisations worked to provide the services that the colonial state did not offer, and to ease women's everyday life. After independence the number and activities of such groups increased (Udvardy 1998:1751). These groups were supported by the state which saw developmental organisations as serving important tasks, as long as they did not become political. Kenyatta encouraged all Kenyans to take part in localised self-help organisations (House-Midamba 1996:292).

Although faced with problems of equal participation in political parties and CSOs, women are very active at the local level. Within locally based organisations women often dominate over men, in terms of number (Audrey 2001:94). Trip et al. (2009:83), in fact states that women's organisations often outnumber other CSOs. Women's groups at the local level are performing important developmental tasks. These organisations engage in creating survivalist strategies and income generating activities for women (Aubrey 2001:96), and are often based on lines of

ethnic belonging (Udvardy 1998:1750). Although these organisations do important work for improving women's day-to-day life, they are mostly apolitical and do not engage in confronting the state (Aubrey 2001:94). Many of the local women's organisations also do not focus on the direct promotion of women's rights, however, through empowering women and creating new spaces and opportunities for income generation etc. an effect might be that they eventually contribute to challenging traditional gender roles towards greater gender equality (Udvardy 1998:1752).

Many women's organisations remain apolitical in Kenya as they are restricted to the local level and do not engage in challenging gender relations or work for the advancement of women's rights. Udvardy (1998:1758), proclaims that women's organisations in Kenya have "remained remarkably silent in the arena of political affairs".

7.5 Women and democracy

After the broadening of political space and return to multiparty politics, some earlier apolitical women's organisations took a more political stance (Tibbetts 1994:30). Increased political activism has, however, been mostly by educated, urban women in the middle- or upper-class and the rural women's organisations often remained apolitical (Tibbetts 1994:30). Despite a relatively broadened space for civil society, the state still continued to control how the interaction between civil society and the state took form and continued to attempt to restrict the functioning of CSOs (House-Midamba 1996:296).

With multiparty politics, increasing numbers of women's organisations were, however, focusing on promoting the inclusion of women in the political sphere (Tibbetts 1994:30). Before the first multiparty election of 1992, women's groups attempted to unify (despite class, ethnic, and party division lines), in order to promote the common cause of wider women's participation in politics (Nzomo 1994:20), stating that women are as qualified for political positions as men are (Tripp et al. 2009:27). With the 'National Committee on the Status of Women' and the 'League of Women Voters' leading the process, the women's movement advocated for the inclusion of women. They had realised that women organisations in civil society was not able to influence the state to adopt policies for the enhancement of women's rights and a greater focus on gender equality. Thereby many women that had previously been primarily working from within civil society now entered the formal political sphere. The

inclusion of women in government was pictured by gender activists as the way to reach greater devotion to gender equality and further, the improvements of women's status Geisler 2004:30).

These organisations worked to support, and increase the number of women standing for political positions and contesting the elections. The women's organisations had a goal of reaching 30-35 percent inclusion of women within parliament. Their efforts resulted in that 250 women politicians "ran for civic and parliamentary seats". But the number of women actually elected was a disappointment. The six women that were elected to parliament, however, represented more than ever before (Nzomo 2003:198). The inclusion of some women was a positive development, but not enough to ensure that these women would actually gain a strong voice. Outside the political arena, the advocating for women's rights and gender equality was greatly kept out of the larger political debates (House-Midamba 1996:295), and the unification of women's groups for the enhancement of women in politics after the 1992 election also dissolved (Nzomo 1994:20).

The 1997 election, were also contested by a higher number of women, but only a disappointing number of four women actually got elected (Nzomo 2003:198). In the run-up to the 2002 elections, the women's organisations were largely not visible in advocating for women's rights. However, the women's groups that eventually engaged in the political debate did so by aligning with the main opposition party NARC. The 'NARC Women Congress' (NWC) was a coalition of different women's organisations that worked as to ensure that NARC would win the election. Rather than working for the promotion of specific issues of interest, and lobbying, the organisation was reduced to a tool for the NARC, in order to get political support and votes. The NWC were engaged with the production and distribution of campaign materials and the mobilisation of support and votes for the NARC (Nzomo 2003:200). The idea behind the women's organisations engagement with the NARC was to ensure that when, or if the NARC gained political power, women would be an integral part of the party and would thereby be taken seriously through the inclusion in decision-making processes and in constitutional review debates. However, as NARC won the 2002 election and Mwai Kibaki gained the presidency, the anticipated gains for women were not taking place, although nine women were elected into government and six women were given ministerial positions (Nzomo 2003:2000). Around the 2007 election, women's organisations pressured

for the adoption of quota systems in order to ensure the inclusion of women within parliament. This effort was, however, not successful (Tripp et al. 2009:22).

7.6 Women organising at the national level

At the national level, the activity of two women's groups can be said to be representative of the relationship between women's organisation and the state. These are the Maendeleo Ya Wanawake (MYWO) (Maendeleo Ya Wanawake is Kiswahili and means "progress of women" (Udvardy 1998:1750)), and the Green Belt Movement (GBM).

7.6.2 The Maendeleo Ya Wanawake (MYWO)

The largest women's organisation in Kenya is the Maendeleo Ya Wanawake Organisation (MYWO) (Aubrey 2001:98). It is the only voluntary organisation with a national scope (House-Midamba 1996:298). However, the work of this organisation has not been beneficial for increased women's rights, gender equality or democratisation. Since its formation, the organisation has had close ties with the state (Aubrey 2001:98). It came to be totally controlled by the state, and subsequently became nothing but an arm of the state (Tripp et al. 2009:46).

The MYWO was the first official women's organisation in Kenya. It was established by the colonial powers in 1952. The organisation was arguably formed as to serve the interest of Kenyan women through developmental and self-help activities (House-Midamba 1996:297). However, it was largely occupied by white women and operated as an extension of the colonial state (Nzomo 2003:186). The organisation was more used as a tool to restrain women from taking part in the Mau Mau revolt and resistance against the colonial state, than to work for women's interests (Matanga 2000:31). The organisation was involved in promoting and highlighting the good sides of the colonial system. It also attempted to gain information about the workings of the Mau Mau fighters from the organisations members (Udvardy 1998:1750). Through attaining membership in the MYWO women were promised handouts of food and access to health care for children, and, as such, the membership-number of the organisation soon became very high (Udvardy 1998:1750). Increasingly, the organisation came to be occupied by African women, who took charge over the organisation and directed it towards taking a more critical role (Matanga 2000:31). In the last years of colonialism, the organisation actually engaged in the fight against the colonial powers (Aubrey 2001:98).

After independence, the MYWO developed close connections with the KANU government (Nzomo 2003:188). The leaders of the MYWO have to a great extent determined the stance the organisation has taken. Many of the leaders of the organisation have been closely connected to the state elite, for example through strong family ties or ethnic loyalty, and the organisations has thereby mostly been supportive of the state (Aubrey 2001:98). The MYWO has at several occasions attempted to separate itself from the state and the government, but it has not been very successful in doing so (Nzomo 2003:188). Some leaders have tried to take a more critical stand. Under the chair of Ruth Habwe from 1968 to 1971, the organisation had a focus on promoting gender equality and women's rights, and attempted to confront and press the state on such matters (Aubrey 2001:98). For example, the organisation advocated for increased rights for women in marital relations, such as the right to divorce (House-Midamba 1996:298). However, Jane Kiando, the leader following after Ruth Habwe as the organisation's chairperson was the wife of a minister (minister of commerce) in the KANU. Jane Kiando effectively turned the MYWO's focus around, and publicly declared that fighting for the liberation of women and gender equality was not the organisations goal. Under Kiando's leadership the MYWO became an apolitical, non-confrontational organisation working with developmental tasks (Aubrey 2001:99). Kiando expressed that: "women in this country do not need a liberation movement because all doors are open to us" (Tripp et al. 2009:52). Advocating for greater focus on women's rights and gender equality was thereby effectively curbed (Aubrey 2001:99).

Although not formally a part of the state, the KANU was heavily involved in the selection of leaders to the organisation and thereby ensured that one of the organisation's functions was to encumber resistance to the state from women in society and focus on developmental tasks (Aubrey 2001:98). Jane Kiando's successor (Theresa Shitakha) was effectively removed by the state in 1985, after only one year as the chairperson, based on allegations of 'mismanagement'. After installing a new leader, the state in 1987 officially affiliated the MYWO and placed it under the control of the Ministry of Culture and Social Services (House-Midamba 1996:298), thereby subjugating it to the state and withdrawing the last part of autonomy from the organisation (Aubrey 2001:98). This was done at a time of economic decline in which the government risked losing support from the population (Tripp et al. 2009). President Moi, as such, assured that the MYWO could not attack or criticise the state (House-Midamba 1996:298), at the same time as the state could make use of the substantial amount of

funding the organisation attracted from international donors (Geisler 2004:113). The MYWO thereafter became an extension of the state, working for the interests of the state. It argued against democratisation in the run up to the introduction of multiparty democracy. Aubrey (2001:100), states that the leadership in the MYWO was also actively engaged in bribing women, in order to support Moi and the one-party state, as well as to oppose the introduction of multiparty democracy. The organisation also assisted the state in the intimidation of human rights advocates and supporters of the opposition (Aubrey 2001:100). Under the control of the state, the MYWO became directly counterproductive to the struggle for women's rights and gender equality. As an example of the counter productive role of the MYWO, is the way in which it in the run up to the introduction of multipartyism the organisation was greatly involved in the harassment of more radical women's organisations, such as the Green Belt Movement (Geisler 2004:113).

After the introduction of multipartyism the MYWO was officially detached from the state, but it did, however, continue to be closely connected to, and controlled by, the state. (Tripp 2001a:110). The detachment of the organisation from the state was further an effort taken by the state so that the MYWO could attract more funding from international donors. Further, through continuing to closely control the organisation the state could make use of these funds (Geisler 2004:113). The MYWO continued to be no more than an extension of the state. It has been allowed to operate more or less freely, but at the same time the organisation have remained largely uncritical and supportive of the state and its policies. Rather than being an important voice for women, the organisation represents an important mobilising force for the government as the organisation mobilise women's support for the state and its policies (Nzomo 2003:188).

The MYWO have largely been prevented from having a critical and independent voice (Matanga 2000:31). It has not been allowed any say in decision-making (Geisler 2004:113), and has been left to deal with such tasks as working with welfare or developmental based work, without having an independent voice (Tibbetts 1994:27). Through strict state control and subsequently total co-optation of the organisation, any potential it could have had for being an autonomous and strong organisation working for the interest of their members have been effectively restricted. In addition to effectively restricting the organisations from posing opposition, the government intended to secure the organisations members as supporters of the government (Tripp et al. 2009:46). Tibbetts (1994:27), states that the treatment and thereby

weakness of the MYWO, is representative of the general women's movement and state relationship in Kenya.

7.6.3 The Green Belt Movement

The Green Belt Movement (GBM) has been the most visible and critical women's organisation in Kenya after independence. Although considered an environmental organisation, it has been the women's organisation that to the greatest extent has confronted the government on political matters, and the organisation has attempted to take an independent stance by criticising the government on a variety of occasions and in relation to different issues (Tripp 2001a:111).

The GBM was formed in 1977, as a grassroots based women's organisation, focusing primarily on environmental issues in Kenya (Ndegwa 1994:5). It is founded and led by the Nobel Peace Prize winner Professor Wangari Mathai (Udvardy 1998:1757). From its formation the GBM embarked on a wide ranging tree-planting project involving local communities and women all over Kenya. Women's organisations could apply for membership in the GBM (Udvardy 1998:1757), and the membership base of the organisation quickly increased after its formation (Michaleson 1994:546). The GBM have a central leadership, based in Nairobi, but it also has strong connections to, and support from the grassroots (Udvardy 1998:1757), and most participation and activities of the GBM takes place in the local areas (Michaleson 1994:549).

The action of the GBM was initially welcomed by the government and it had good connections to the Ministry of Forestry (Michaleson 1994:546). In the initial years of the organisation operating it did not engage in political matters. Rather, it focused on its tree-planting projects, and on the education of women on environmental and agricultural matters (Michaleson 1994:540). The government did not perceive the organisation as a threat or as a potential critique of the government, and, as such the, GBM was initially left without interference and at times even gained praise from the government (House-Midamba 1996:300). The GBM was therefore allowed to grow in both constituency and strength by the government, which was otherwise known for closely controlling CSOs (Michaleson 1994:546). This was, however, to change as the GBM came to take a more political role.

From the late 1980s the GBM came to present a more critical voice towards the government (Michaelson 1994:552). In 1989, the government launched plans for the building of a skyscraper in the Uhuru Park in Nairobi. The building would be the tallest in Africa, and was meant to house the headquarters of the KANU (Michaelson 1994:552). The Uhuru Park represented the only park in Nairobi open to the public (Ndegwa 1994:5). The Green Belt Movement were loud critics of these plans (Ndegwa 1994:5). The organisation issued letters to the government and environmental organisations to stop the plans, however, when Moi seemed determined to proceed with the building, the GBM attempted to file a lawsuit against the government. This move represents the first in Kenya where a CSO took measures to take the government to court (Matanga 2000:27). The GBM's appeal for a lawsuit was, however, rejected by the High Court (Michaelson 1994:553). This move by the GBM marked the end of operating without interference, and with good relations to the government. The GBM started taking a more critical stance towards the government, and involved in greater advocacy for the introduction of multi party democracy (Michaelson 1994:553). The government turned overnight and the GBM came to be the subject of state repression (Michaelson 1994:553). As a reaction to this move from the GBM the government started focusing on how to more closely control CSOs. The GBM's large constituency, and connection to the grassroots, was seen as a threat by the state, as the state focused on keeping the support of grassroots women's organisations, often in a neopatrimonial relationship. The GBM's close connection to the grassroots was seen as a threat by the government, because they feared that the organisation would influence local women's groups to becoming more political. If this were to happen, a substantial support base of the government would be lost (Tripp et al. 2009:84).

However, an example of the reluctance of women's groups to engage in politics could be seen from the reaction (or lack of reaction) arising from the GBM's more political turn in the late 1980s. As the GBM criticised the 'Uhuru Park-building plans' and was subjected to great repression, the GBM did not receive much support from other affiliated women's groups, although the GBM sought support from a variety of environmental and women's organisations (Michaelson 1994:553). The GBM had a large constituency and close connections with many women's organisations, however these affiliates largely did not appreciate the GBM's strong criticism of the government. In fact, some women's organisations chose to withdraw their affiliation with the GBM (Udvardy 1998:1757). The organisation did, however, attract international support, that eventually led to Moi scraping the building plans (Michaelson 1994:553).

The GBM was subjected to direct repression and threats from the state. Under the Moi regime the organisation was expelled from its headquarters, and seminars and demonstrations were violently disrupted after the instructions of the government. The organisations leader, Mathaai, was in 1992 imprisoned on charges of “rumour-mongering” (Michaelson 1994:554). In 1993, following death threats, Maathai had to go into hiding for two months and only came back as the government, after international pressure, guaranteed for her safety (Michaelson 1994:555).

In Kenya, the state has also often attempted to weaken the reputation of CSOs they don't like by the use of state propaganda and media publications (Matanga 2000:25). Publications by the state have, for example, questioned the motivation of CSOs with external donor funding, in addition the government have charged organisations with engaging in issues that “are not of their business”, and that should be kept with the state. The CSOs are presented by the state as unnecessarily worrying the people, and instigating conflicts by criticising the state and pointing to critical issues within the society (Matanga 2000:29). The government also tried to ridicule the GBM, in relation to the protest against the building-plans in the Uhuru park Moi alleged that the GBM women had “insects in their heads”, and although the government had initially praised the work done through the tree-planting project, as the GBM became more critical, the government stated that the organisation had really done nothing for improving the environment (Michaelson 1994:553).

The GBM has become engage in a wide range of issues and is not restricted only to an environmental agenda. Besides a focus on environment, the GBM also focus on the enhancement of women empowerment and the acceptance of women in relation to education, income generating activities and women's participation in politics (Michaleson 1994:548). The organisation has also been vocal in advocating for democratisation. In the 1990s, the GBM positioned itself as a pro-democracy organisation advocating for the introduction of multiparty democracy in Kenya. Although women engaged in the struggle for democratisation in other pro-democracy organisations, the GBM represents the strongest women's organisation advocating for democratisation (Tripp et al. 2009:78). The GBM has also engaged in criticising the government on the state-sponsored ethnic violence that increased after the introduction of multiparty politics. In 1993, the GBM also attempted to sue the government on this issue (Michaelson 1994:555).

The GBM has been restricted by the high level of authoritarianism and suppression from the state. In a highly repressive environment, the survival of the GBM has only been possible because it had a substantial support base both within Kenya and from the international environment, so that the government has not been able to do away with it totally (Michaelson 1994:554).

The Uhuru Park building incident was one of the triggers for the development of the NGO Coordination Act that was introduced in 1990 (Ndegwa 1994:6). The strength that the GBM demonstrated, as it started taking a more political stance, is, however, also argued to have inspired other CSOs in Kenya to take greater action for demanding democratisation (Michaelson 1994:553).

7.7 The NGO Coordination Act

In 1990, the Kenyan government adopted the ‘NGO Co-ordination Act’, in an attempt to closely control the activities of NGOs and societal organisations (Okuku 2003:59). The act came about as a result of an increasingly politically active and critical civil society in the country (Matanga 2000:27), and especially from the threat the government had seen in the strength of the GBM who in 1989 took measures to sue the government (Ndegwe 1994:6). The process included the establishment of the NGO Board, that were to observe the activities of organisations, be responsible for the registration and deregistration of organisations, as well as to recommend the government on what stand to take in relation to various organisations (Matanga 2002:26). The board was placed under the “internal security secretariat”, signalling how important this threat was perceived to be (Ndegwa 1994:6). The board’s overall task was to make sure that organisations within society worked after the ‘national interest’, which in reality meant the interests of the government (Matanga 2000:26). A representative of the government stated that no organisation would be allowed to operate without the consent of the NGO board, and organisations that were suspected of working against the ‘national interests’ would be deregistered. Examples of new regulations through the bill, were that CSOs and NGOs had to submit to the board all its budgets and plans, in order to be accepted and thereby registered. Organisations leadership and donors also had to be approved. The act is arguably the worst case example of the Kenyan state’s attempt to control civil society. The act was passed swiftly without any chance for people to review it or to suggest amendments (Ndegwa

1994:6). Many CSOs held that the NGO act was in fact a tool for the government, to more effectively restrict the organisations that the government did not like, and further, that only organisations working to please the government would be allowed to operate (Ndegwa 1994:6). The act was amended after two years of pressure from civil society, though its core remained (Tripp 2001a:111).

7.8 Conclusion

The relationship between the women's movement and the state in Kenya represents one that is far from conducive of promoting the effective functioning of an autonomous and strong women's movement. Rather than being characterised by open communication and negotiation, the relationship is one characterised by competition. The state targets the women's movement by attempting to totally counteract it through repression and co-optation. Women's activists have not been taken seriously or given space to express themselves (Tibbetts 1994:27).

Women's organisations in Kenya have been directly counteracted by the state, as they have been subjected to criticism and instructions to stay out of politics. The government have at times publicly warned organisations of engaging in political matters, and have deliberately attempted to weaken organisations reputation in society. The state has also attempted to criminalise many women's organisations (Aubrey 2001:92), and it has actively engaged in trying to ruin their reputation and credibility (Michaelson 1994:553). The treatment of the GBM by the government, signify how the state has attempted to do away with critical voices in a largely violent manner. Close state-control and subsequently direct co-optation of the Maendeleo Ya Wanawake also represented the total lack of autonomy and independent voice the organisation could have had to work for the interests of its constituency.

In such an environment, the women's movement is faced with great obstacles for the successful promotion of gender equality and democratisation. The weakness, and lack of results, from the Kenyan women's movement can, as such, be seen as a result of its constrained relationship with the state.

Because of great levels of repression, many organisations in Kenya have chosen to stay apolitical. For many women's organisations the promotion of women's rights have not been a

focus and especially not to pressure and confront the state (Udvardy 1998:1757). The beginning of organising by women started through the welfare and development based organisations at the local level, and many women's organisations remained at the local level (House-Midamba 1996:297).

The women's movement in Kenya has largely not managed to create a nationwide autonomous women's movement that can sustain a strong voice in addressing and influencing the government (Udvardy 1998:1757). The reintroduction of multiparty politics did not naturally lead to greater possibilities for participation by women or increased gender equality. Though women's groups took some measures to advocate for women's participation and for attention to gender-equality concerns, their effort was not very successful (House-Midamba 1996:295). Women's groups have not been able to gain a say and participation in decision-making within formal politics and in the state. Although a few women have gained positions in local and national government, they have not been strong enough to influence the state to any great extent (House-Midamba 1996:295).

Around the 2002 election in which changes on the political arena was to come about, the women's movement in Kenya was generally silent or absent. There was no substantial organisation or unifying organ that could secure women's groups a strong voice, and the women's movement largely retreated from the political debate at the crucial moment of the replacement of Moi by Kibaki through the election, a change of regime where the women's movement should have been present by making demands on the new leaders and lobby for the interests of its member base (Nzomo 2003:199). The NARC Women Congress (NWC) did contribute to the NARC replacing the KANU in a change of government, however, the larger gains for women were minimal. Women's organisations in Kenya have at times worked hard for the promotion of women in politics, but have not been successful in reaching such goals (Tripp et al. 2009:21).

Some gains that can be credited to the women's organisations are the increase in women standing for election, especially after the return to multiparty politics (Nzomo 2003:187). In addition, local women's groups focusing on easing women's everyday life might promote gender equality as women become more independent and empowered through engaging in new strategies for income generation.

However, in conclusion, the Kenyan women's movement has largely not been successful in influencing the state for greater devotion to women's rights and gender equality. The character of the relationship between the state and the women's movement is one in which the state attempts to restrict and silence the women's movement, either through outright repression, cooptation or through trying to ruin organisations reputation.

Chapter 8 Comparison and Conclusion

8.1 Introduction

This thesis has sought to contribute to the debate on civil society, women's movements and democracy in African countries. The study has focused on the women's movements in Uganda, Kenya and South Africa, as a part of the civil society in the respective countries. The aim has been to investigating the relationship between the women's movements and the state in the three countries, as the relationship between civil society and the state is a significant determinant of the effectiveness of civil society organisations. Further the thesis has investigated the way in which the relationship between the women's movements and the state has affected the nature of the women's movements and ultimately the extent to which the women's movements have been successful in pressuring an influencing the state on policy making for improved women's rights and gender equality.

This chapter serves as the thesis conclusion by presenting a comparison of the three cases. It highlights the dynamics at play in the women's movements relationship with the state, and how this have given rise to varying degrees of effectiveness of the work of the women's movements in the three countries. The relationship between the state and the women's movements in Uganda, Kenya and South Africa has been characterised by different features, which have led to different characteristics within the women's movements. Subsequently, the degree to which the women's movements in Uganda, Kenya and South Africa have been able to successfully communicate with and influence the state on policymaking are varying in all the three cases. The comparison of these three cases serves as the thesis conclusion, and provides important insights into the different ways that the state and civil society interact and how this cause different degrees of success for civil society groups.

The chapter is structured in four parts, in which the first part compares the different relationships in Uganda, Kenya and South Africa. The second part looks at how the nature of the women's movements has been affected by the relationship with the state. The third part highlights that in addition to the relationship with the state the effectiveness of the women's movements in the three cases is affected by the overall political environment in which they operate. Especially political opportunity structures are important, however, the transitions in Uganda, Kenya and South Africa were different and the women's movements were to varying

degrees able to take advantage of the political changes that took place. The last section concludes.

8.2 The relations with the state

In the literature on civil society, the relationship between civil society and the state is highlighted as a crucial determinant of how civil society can work (Diamond 1994:11). The debate centres on whether freedom of association and freedom of expression is respected, or whether civil society is restricted and subjected to repression. Under severe degrees of repression civil society is restricted from working effectively (Gyimah-Boadi 1996:1279). Further, the debate focuses on whether the relationship between civil society and the state is one of cooperative communication or competition. Ideally the relationship between civil society and the state should be characterised by open communication and dialogue rather than competition and conflict (Diamond 1994:15). Concerning the relationship between the state and civil society the level of autonomy the organisations hold is important for its potential effectiveness, and attempts from the state of co-opting the organisations are identified as restricting the organisations ability to pose an independent voice (Diamond 1994:13). Tripp (2001a:103), states that the autonomy of an organisation is never 100 percent complete, however the greater extent of autonomy allows the organisation to operate more independently.

Women's organisations in African countries often face challenges in the political arena as they enter the largely male dominated domain. Within African politics women are largely not accepted as political actors (Tripp 2001a:109). The findings of this thesis supports the argument that the ability of women's movements to be heard and successfully advocate for change, depends greatly on the context in which they operate and the relationship between the women's movement and the state.

The relationship between the women's movement and the state in all the three cases in this study has different characteristics. In Uganda, Kenya and South Africa, a number of women's organisations have been active within civil society. In Uganda, women's organisations operated during British colonial rule, mainly with self-help activities for the improvements of women's day-to-day lives. During the first decades of independence, women was involved in organized work for the improvement of social services, but because of severe degrees of

repression and authoritarian rule they were restricted from involvement in the political sphere. High levels of political instability, violence and civil war accommodated great repression of the women's movement, which restricted it from working effectively in targeting and pressuring the state. Idi Amin attempted to control all women's organisations through accommodating all organisations into the National Council of Women (NCW), which was subjugated to the state, thereby effectively restricting the organisations autonomy.

In South Africa, women's organisations operated in the highly repressive apartheid environment but were able to form a strong oppositional force against the apartheid state. Autonomous women's organisations emerged with the resistance to apartheid, and these advocated for the importance of addressing women's needs separately alongside the struggle for national liberation.

During colonialism in Kenya, women's groups operated at the local level with developmental tasks and basic needs. These groups were often based on ethnic belonging and largely did not involve in political advocacy, though women did engage in anti-colonial activities, for example through the Mau Mau and through taking charge of the Maendeleo Ya Wanawake Organization by using it as the basis for resistance against the colonial state.

In Uganda the takeover of Museveni, and in South Africa the end of apartheid, each respectively represented a changing relationship between the women's movements and the state. From the takeover of President Museveni in Uganda in 1986, the women's movement increasingly became visible and active in the political sphere, and the number of women's organisations in Uganda has increased since the mid 1980s. Similarly, during the transition to democracy in South Africa, the women's movement represented a strong voice, especially through the Women's National Coalition (WNC), which comprised a variety of different women's groups.

As the transition phases started in both Uganda and South Africa, the relationship between the women's movements and the state came to be more characterised by communication and negotiation. Increased political opportunity structures resulted in that the women's movements were included into the negotiations and were able to present demands towards the state. The state respected and took seriously the women's movements requests. In both cases, the women's movements were successful in advocating for the adoption of national gender

machineries that were to ensure the protection of women's rights and gender equality. The adoption of gender sensitive constitutions, institutions and laws alongside greater inclusion of women in politics lays the basis for a more accountable democracy, in which the state takes the citizens concerns seriously and their interests are protected. Greater political participation by women contributes to the consolidation of democracy.

In Kenya, however, the relationship between the state and the women's movement have since independence been characterised by conflict, rather than by communication. The environment the Kenyan civil society is operating in is characterised by a highly authoritarian state determined to restrict the activities of civil society. Civil society in general, and the women's movement in particular, have been subjected to repression. The women's movement has not been given a chance to express demands on the state. Rather the state has largely attempted to co-opt and repress critical voices emerging from the women's movement. President Moi publicly declared his discontent with organisations that are seen to engage too much in political matters. Organisations have been warned of being too political. For example, the environmental women's group the Green Belt Movement (GBM) were instructed by President Moi to restrict their actions to planting trees and not to engage in political issues or utter political opinions (Ndegwa 1994:6). The GBM have been subjected to severe repression, and the effective co-optation of the Maendeleo Ya Wanawake by the state also represents an example of how a women's organisation was effectively turned into a counterproductive organisation, that worked against greater democratisation and restricted attempts by the women's movement to push for gender equality and women's rights. The state sees the women's movement as an unwelcome opposition, and has thereby attempted to counteract its workings.

After the transitions in both Uganda and South Africa, the relationship between the women's movements and the state have, however, changed and become quite complex. In Uganda, the women's movement has had to struggle to get heard as the state has at times directly counter-acted both demands from the women's movement outside the state and from women inside the state. At the same time accusations of co-optation of the women's movement by the state have emerged. The women's movement has been accused of not being critical enough towards the state, because they have gained some provisions from it, and thereby are reluctant to criticise it. The relationship between the state and the women's movement is multifaceted, and further, the relative autonomy of the organisations is varying as some groups are more

closely connected to the state than others. However, Goetz (2002:560) states that the women's organisations in Uganda have become aware of the fact that the government have attempted to silence them, and, as it became clear that the devotion to gender equality by the government was rather shallow, the women's movement have become increasingly critical towards the state.

The seemingly constrained relationship between the women's movement and the state implies that the women's movement is recognised by the state as an important actor. Though not always successful in pressuring the government, important gains have been reached. The relationship is one in which the state acknowledges that it needs the women's movement, and the women's movement acknowledges that it needs the government to have any chance at influencing national policy. The state can not risk the women's movement turning against it, because it represents such a strong movement and large constituency. Thereby the state has accepted some amount of criticism from the women's movement (Tripp:2001a:113).

In South Africa, the relationship between the women's movement and the state has also changed after the transition. It has been argued that the ANC's claim to legitimate rule, the consolidation of democracy, and the formation of "representative institutions" have in fact undermined the possibilities for a high level of citizen participation in politics. Though the government officially promote civil society involvement, it is argued that channels for communication with the state and possibilities for participation are limited (Heller 2007:13). After the transition, the relationship between the women's movement and the state has become weaker. Women within the state have somewhat lost the connection to the organisations they once represented. The lines of communication between women within the state, the civil service and the women's organisations, especially at the local level have deteriorated (Hassim 2003:510). The women that entered the state face difficulties staying accountable to their previous women's constituencies, from within the structures of the state. The debates on gender equality and women's rights have been moved from the terrain of the civil society and the women's movement, and into the state. Although not a direct result of co-optation of women's organisations the voice of the women's movement has become weaker.

8.2.2 The state and the national gender machinery

Within both Uganda and South Africa, the adoption of national machineries for the enhancement of women's rights and gender equality did not automatically lead to improvements in women's lives and greater gender equality. In both instances, the adoption of the national machineries has been followed by critic of the actual effectiveness of the institutions and mechanisms put in place. In South Africa, the national gender machinery adopted is extensive, and the South African government have gained international praise for its commitment to gender equality. However, the devotion of the state to gender equality are still argued to remain at the "rhetorical level" (Jagwanth and Murray 2002:299). The ANC government have been criticised for not allocating enough resources to the gender mainstreaming agenda (Hassim 2005:22). The national gender machinery in South Africa suffer from a lack of resources and a lack of qualified staff (Jagwanth and Murray 2002:266).

In Uganda, the real devotion to gender equality by the government is also questioned. The government is charged with having put in place institutions for the promotion and protection of women's rights as a means to secure the support of the women's movement for the NRM government (Goetz 2002:556). Further, the government and the president have found ways of avoiding taking up, or enforcing, policy changes for enhanced women's rights if they are not themselves in support of them. Especially issues that touch on matters related to traditional gender relations are controversial and the government largely attempts to avoid such issues. The domestic relations bill in Uganda seem to have become a "box" for the Ugandan government in which it putts all issues in relation to gender and women's rights that it is uncomfortable about dealing with (Tripp et al. 2009:134). The government cannot simply disregard propositions that are posed for improved women's rights and gender equality, because by doing so it would lose credibility within the women's movement. As such, the government rather states that propositions that they see as controversial or difficult are belonging in the domestic relations bill. Subsequently, so many controversial issues are included into the domestic relations bill that it is unlikely that it will get enough support to be passed in parliament (Goetz 2002:565).

Further, the downplaying of the ministry of women also witness that the government do not genuinely hold gender equality as a concern of focus. By making the women's ministry a department within the Ministry of Gender, Labour, and Social Development, the gender focus

decreased and largely became overshadowed by other concerns within the ministry (Tripp et al. 2009:183-185).

In South Africa the role and the effectiveness of the new Ministry of Women, Children and Persons with disabilities remain to be seen. However, there is a risk that, like in Uganda, the gender focus might become overshadowed by the other concerns and focuses of the ministry (Gouws 2009). Gouws (2009) state that the formation of a ministry for all the categories of “women, children and persons with disabilities” might result in that the attention given to women are outshined by the concerns of the other ‘categories’. Further, Gouws (2009) states that in many countries, ministries for women have not been very successful in relation to its impacts on policies. Women’s ministries have rather often served as instances in which all matters relating to women are placed and forgot, at the same time as other ministries are excused from making considerations on gender (Gouws 2009).

In both Uganda and South Africa, the adoption of national gender machineries, and the inclusion of women into the state and policymaking processes have seemed insufficient for bringing about substantial changes in the status and everyday lives of women. This illustrates that the inclusion of women into the state does not replace the need for a strong women’s movement outside the state.

8.3 The character of the women’s movement

The investigation of the women’s movements in Uganda, Kenya and South Africa have illustrated that the relationship with the respective state, and the way in which the state relate to the women’s movements, have had effects on the character of the women’s movements. The political opportunity structures at a present time also determine what choices of strategies the women’s movements have available. For example, political transitions often represent periods in which women’s movements can engage in cooperative communication with the state and influence the states policies. Further the internal character of the women’s movements and the level to which they are able to present a strong and unified voice within the political context, also determines to what extent it is successful in pressuring and influencing the state.

The women's movements ability to cooperate with and influence the state during the transition phases in Uganda and South Africa largely came from the women's movements ability to unite, despite differences, as one strong and unified voice concerned about a common cause. Through aligning under the WNC in South Africa and under the lead of the ACFODE and NCW in Uganda the women's movement represented a large constituency. The women's movements became national in scope as they took on the task of including and consulting women all over the country. The women's movements represented substantial constituencies, and through high levels of consultation, the coalitions were broad based, and largely accepted as representatives of women's interests as they had managed to create great consensus on demands presented (Meintjes 2006:231, Tripp et al. 2009:121). Through presenting a unified voice the women's movements were getting stronger than what they could have been if the organisations within them were to operate separately from each other. Through unifying, the women's movements were able to speak on behalf of a larger constituency and thereby demonstrate for the state and the political elites that they were a force to be reckoned with. The state thereby acknowledged the strength of the women's movements and engaged with them in a cooperative manner.

In South Africa, the women's movement was also able to pose a strong voice because female leaders had gained important experience with political engagement and leadership through the fight against apartheid. The formation and functioning of the Women's National Coalition in the early 1990s was made possible because many women gained important political and leadership experience through involvement in resistance groups (Hassim and Gouws 1998:62). The women's organisations during apartheid also had the effect that women who would normally be reluctant to engage politically, eventually were more at ease with participating in activities and meetings consisting of mostly other women (Fester 1997:57). Thereby, the women's groups helped enhance political involvement and participation. The experience that women attained through the formation of autonomous women's groups within the national liberation movement under apartheid was pivotal in their success of representing such a strong voice during the transition (Meintjes 2006:233).

Through presenting a strong voice the women's movements creates a situation and a relationship with the state in which the state cannot sideline or ignore it. The Kenyan women's movement has however not been able to create such a situation. In Kenya, women's organisations have largely not been able to unify broadly to gain a substantial strong voice so

that it can influence the state, and have further not been able to pose a unified women's movement that can keep up sustained pressure on the government. The Kenyan civil society suffer from the fact that it is to a large degree fragmented. There are big divides between the rural and the urban, ethnic groups and between classes. In addition, most of the successful organisations have an urban scope and works mainly with one or a few issues. Co-operation between groups and the unification around common goals is largely not happening (Nzomo 2003:205). As an effect of repression from the state, many actors are also afraid of being too political. People restrain themselves from engaging in political activities, organisations choose to be apolitical and CSOs and the media often censor itself. The autonomy of CSOs is jeopardized, as they avoid taking up certain critical issues and thereby their independent voice is effectively restrained (Dicklitch and Lwanga 2003:482). Many organisations choose not to engage in political discussions or work with contentious issues, as they fear retaliation from the state (Dicklitch and Lwanga 2003:482). The state is seen by a large part of the population as to have failed in being responsible for providing security and the equal distribution of resources to the citizens, and thereby, they rely on family structures or their ethnic group for such security (Nzomo 2003:186). Within the women's movement in Kenya many organisations are based in the local arena and focus on developmental and self-help tasks for the local community and local women. These groups as such do not address the state, and further do not focus on the promotion of increased gender equality. Many women's groups chose to stay apolitical. This could be seen, when the Green Belt Movement in 1989 did not manage to attract support from its affiliated women's organisations when it was subjected to repression from the government after opposing government plans. Many women's organisations did not appreciate the GBM's critical stance against the government.

Matanga (2000:24), argues that, in Kenya, as civil society involvement have been restrained, civil society have not managed to come to a position in which it can fight in a proactive way for its interests. Rather the civil society has largely been working in an oppositional position to the government, reacting to authoritarianism by the state (Matanga 2000:24). Civil society is occupied with counteracting authoritarian measures taken by the state and is not so much able to engage in more constructive advocacy for greater impacts on the democracy and the society. For example, civil society was working to fight against the NGO registration act, against the use of detention without trial, against the introduction of the queue voting system, against the building of a large construction in the Ururu-park etc.

An additional feature that has restrained the successful working of CSOs and women's groups in Kenya is their move to form alliances with political parties. Within political processes, societal actors are often neglected or have little voice to political parties because political parties are the major players, and have a greater say in the democracy and in influencing policy processes (Fallon and Viterba 2008:671). In 2002, for example, the women's organisations which became politically engaged did so by aligning themselves with the NARC. Although possibly contributing to the regime change, involving the replacement of the KANU by the NARC, the women's movements' larger gains were minimal.

In South Africa, the post-apartheid era has involved a seemingly demobilisation of the women's movement. Many women activists left the civil society terrain in order to work from within the state. This led to a loss of skilled leadership within the women's movement, which has resulted in a weakened voice for the women's movement. The fragmentation of the WNC left the women's movement without a unifying leadership organisation, and thereby unifying the various organisations within the women's movement became harder, and there persisted disillusionment with the further agenda of a national women's movement. During the transition phase the women's movement was unified around the goal of ensuring women's participation in the negotiations and the upholding of gender equality in the new state. However, as this goal was reached, there seemed to be a lack of issues agreed upon to unify the various women's organisations around.

Many women's organisations are at work in South Africa, however, there is a division between local community based organisations (CBO's), and advocacy groups operating at the political level. For this reason, Hassim (2005:18-20) states that a strong women's movement can hardly be seen to exist. Political advocacy groups are largely based in urban areas and often do not have connections to, or understanding of, the realities that women face in their everyday lives, especially in rural areas.

In Uganda, however, the women's movement have largely been able to unify. The women's movement has been able to evade the problems and effects of divisions and fragmentation. Although Uganda is a country divided by many divisions, based on ethnicity, religion, regional belonging, class etc., the women's movement have largely not been based along these lines. As women have struggled to gain political voice in the competition with men, they have unified as women. In addition, the women's movement and the women in parliament

have good connections, as the women politicians are largely backed by the women's movement. Within government as well, women politicians have come together, to push for policies favourable to women regardless of belonging to differing political parties, ethnic groups, and regions (Tripp et al. 2009:184).

The women's movement in Uganda is comprised of some of the most effective groups within civil society in the country. Tripp (2001a:104), states that the women's movement has made the best out of the situation and political context that they operate in. The women's movement have made use of little room to manoeuvre and taken strategic measures as to be able to gain some say in the political sphere. The Museveni government largely views opposition with suspicion, and the repression of societal actors are not uncommon. The political context in which the Ugandan women's movement operates, is one in which being too critical might create repressive answers from the state (Dicklitch and Lwanga 2003:482). The women's movement needs to acknowledge this situation and strategize their action in ways in which it can be most effective. Within the political opportunity structures that the Ugandan women's movement operate, there exists barriers for their effective working, as they are at times counteracted and the possibility for state repression is present. By representing a too critical voice the women's movement could have been subjected to greater levels of repression from the state.

In addition, in order to be able to have any influence, the women's movement needs to have some degree of good relations with the state. In fact, the ACFODE, which from its formation in 1985, highlighted the importance of being an autonomous and independent organisation, at the same time also expressed the necessity for having open lines of communication and good relations with the state (Tripp 2001a:124). Within a repressive context, the women's movement has made use of the political opportunity structures that are available (Tripp 2001a:104). This has made the women's movement one of the most successful and strong movements within the Ugandan civil society (Tripp 2001a:104). The strength of the women's movement, and its ability to pressure the government to a greater extent than other civil society groups, derives from the fact that it has been able to keep a great extent of autonomy and at the same time kept good relations with the government, argues Tripp (2001a:102). The women's groups in Uganda have at times cooperated and formed alliances with political actors, they have, however, been shifting their alliances in accordance with the issue at hand and have thereby avoided the problems experienced by Kenyan CSOs. At times the political

allies that women's movements have within the government have been critical for the organisations success in pressuring for certain policy decisions (Goetz 2002).

8.4 The political environment and political transitions

Uganda, Kenya and South Africa have all experienced political transitions. However, the success of the women's movements in influencing the state, and take advantage of a changing political environment in these transitions has been varying. The women's movements in Uganda and South Africa were to a great extent able to influence the state during the transition periods in their respective countries. But in Kenya the women's movement was largely absent and was not successful in influencing the state on matters of women's rights and gender equality.

The characteristics of the three transition phases were very different. In South Africa, the transition involved the abandonment of the apartheid-state and the introduction of majority rule and multiparty democracy. The transition in Uganda started in the mid 1980s after a coup by Museveni and the NRM, who embarked on the building of the new Ugandan state. In Kenya, the transition involved the reintroduction of multiparty politics in 1991, however, as no change in government occurred, the transition were contracted and only complete after the overthrow of the KANU and takeover of NARC in 2002. The women's movements in the three cases as such experienced political transitions with different political opportunity structures present.

In Uganda and South Africa, the women's movements were involved in the transition negotiations. They were successful in advocating for the implementation of national gender machineries, with structures and institutions within and around the state that were to ensure the promotion of gender equality and women's rights. The women's movements were further able to affect the character of the constitutions adopted to make sure that they included considerations on gender equality. This is very important as it is on the basis of the constitution that the democracy and the state is build. Further, the inclusion of women in politics and into the state was important successes that ensured greater participatory democracies in the two countries. Both the South African and the Ugandan examples represent cases in which the women's movements were successful in advocating for the inclusion of women into political decision making bodies and government.

The inclusion of women in democratisation is not a matter of course. Waylen (2007:522) states that the inclusion of women in politics after democratisation is not a natural result, but can only happen after successful pressure from women's groups within society. This is also exemplified through the experiences of Kenya, where the transition from a one-party to a multiparty state did not see greater improvements in women's participation.

Political transitions generally involve the renegotiation of the contract between the state and the citizens, as the character of the new state is to be decided. However, the political elites are to varying degrees open for the renegotiation of the relationship between the state and the society. Political transitions are characterised by different dynamics (Fallon and Viterna 2008:670). Differing degrees of success by the civil society and the women's movement during the political transitions in Uganda, Kenya and South Africa can be adhered to the different features characterising the three transitions.

The experiences of the three cases in this thesis supports the argument made by Fallon and Viterna (2008:670) that women's movements are more likely to work successfully and gain voice in situations where the political leaders are open for a reconstruction of the state. In Kenya, the opening for and introduction of multiparty politics did not involve a change in government, thereby the relationship between the women's movement and the state largely remained the same. The "new state" was determined to counteract and subjugate civil society, as it had done before the transition. The transition did not involve a change in government in which a new regime needed to gain popular acceptance from the people, rather, the return to multiparty politics ensured the prolongation of the old regime which was now more strongly manifested through a democratic system. The return to multipartyism and the re-election of president Moi rather legalised and justified Moi's hold on power and the continuation of his regime. As such, possibilities for greater reconstructions were not present.

On the other hand, in both South Africa and Uganda, the political transitions of the early 1990s and mid 1980s each respectively represented a fundamental restructuring of the polity. In both cases the previous authoritarian regime were replaced by a new regime. This presented new political opportunity structures for the women's movements, as there was a larger room for reconstruction of the state and the implementation of new structures. The new political elite were more concerned about gaining popular acceptance and support for their

regimes, thereby, an opportunity opened for the renegotiation of the relationship between the society and the state. In the transition period and the start of a new regime the women's movements are faced with political opportunity structures for affecting and influencing the state. The women's movements can make demands on the state in a situation in which the political elites are devoted to gaining political acceptance for the new regime from the citizens. Fallon and Viterna (2008) state that civil society organisations generally will have a greater say in political transitions in which the leaders of the old regime does not have influence. A new regime involves the acceptance of restructuring and new ideas, whereas the old state-leaders are not so open to change.

In South Africa, the transition phase represented a process in which the old apartheid state was replaced with a new regime. The process of reconstructing the state, and the writing of a new constitution, gave women's groups the opportunity to influence the new democratic system. The context provided the women's movement political opportunity for influencing (Fallon and Viterna 2008:682). The work of the women's movement during apartheid was successful in creating an enabling environment during the transition, and had ensured that there was general recognition and acceptance of the importance of including gender concerns in the formation of the new state (Meintjes 2006:233).

Further, when faced with a context of a political transition from one regime to another, CSOs and the women's movements can gain by drawing on the ideologies that the new leaders advocate for in order to gain a say and be heard by the new leaders (Fallon and Viterna 2008:671). The ANC's devotion to equality, in addition to resistance against discrimination and exclusion, were easily absorbed and used by the women's movement, which could logically advocate for the securing of women against discrimination and exclusion (Fallon and Viterna 2008:682). The women's movement realised that the ANC's ideology could be used as the basis for demanding women's rights (Waylen 2007:530). The context of the transition-phase, as such, made possible the successful involvement of the women's movement. The fact that the ANC was generally open and positive to the accommodation of gender concerns was necessary for the successful working of the women's movement (Waylen 2007:524).

In the same manner in Uganda, the NRMs promise of creating 'participatory democracy' ensured that the women's movement's demand for the inclusion of women in politics and

decision making were justified. As the new political regime is dependent on the creation of popular support the neglecting of such demands would seriously endanger their acceptance. In relation to the political opening, the openness of the NRM regime has been important for the success of the women's movement in Uganda (Tripp 2001a:104).

8.5 Conclusion

This thesis has found that the relationship between the women's movements and the state in Uganda, Kenya and South Africa exhibits very different characteristics. Further, the relationship has been subjected to changes in accordance with the overall political changes in the three countries. The relationship between the women's movements and the state has given rise to different levels of successes in relation to the women's movements effectiveness in influencing the state and the democracy.

In Kenya, the women's movement's relationship with the state is characterized by few channels of communication. The women's movement is subjected to high degrees of repression, attempts of cooptation and silencing from the state. The Kenyan case manifests what various scholars have argued, that CSO's cannot function effectively without some degree of freedom of association (Bratton 1994:5, Diamond 1994:5, Heller 2007:7), as the Kenyan women's movement has been effectively restricted from presenting a strong voice and influence the state to any great extent.

In both Uganda and South Africa, improved relations between the women's movement and the state came about with the takeover of Museveni, and the abolishment of apartheid. The women's movements strength during the transition phases resulted in them having a great impact on the formation of the new states. The women's movements were successful in pushing for the adoption of gender sensitive constitutions, and national gender machineries which accommodated institutions and mechanisms to enhance women's rights and gender equality.

However, after the transitions in both Uganda and South Africa the effectiveness of the national gender machineries have been criticised, as they do not naturally lead to greater women's rights and gender equality. The laws and institutions put in place need to be accessible by the people in order to have any larger effects. In addition, national gender

machineries do not replace the need for strong women's movements within civil society. On the contrary, women's movements have important roles to play as to keep the state and the political leaders accountable to its commitments.

In relation to the successes gained by the women's movements in both Uganda and South Africa during the transition phases, the effectiveness of the movements after the transitions can seem minimal. In both Uganda and South Africa, the "watchdog- functions" of the women's movements appear somewhat constrained. In Uganda, the women's movement has perhaps not been able to ensure that the government is genuinely devoted to women's rights and gender equality. The Ugandan government is especially reluctant to adapt policies that challenge social norms on gender roles. The women's movements in both Uganda and South Africa are faced with a future challenge of working to hold the government accountable to the commitments it has made, to uphold, protect, and promote women's rights and gender-equality. In Kenya the presence and activities of women's groups have varied at different times. However, the Kenyan women's movement is seemingly not able to pressure the state in such a way that it can influence political processes or hold the state accountable. The future role of the women's movement seems unsure. The general civil society in Kenya still have a long way to go, and an important job to do as to work to hold the state accountable and increase the freedoms of its citizens (Kibaba 2004:5). Nzomo (2003:187), states that the future of civil society and the women's movement in Kenya depends on the state, and the degree to which the state allows civil society to operate.

8.5.2 Table: Summary of key findings

	Uganda	South Africa	Kenya
Nature of the women's movement	<ul style="list-style-type: none"> - Politically engaged since mid 1980s - Largely autonomous - Unified - Strong - Large constituency - Visible actor within civil society - Largely autonomous women's movement 	<ul style="list-style-type: none"> - Politically engaged - Largely autonomous - Unified and strong during transition from apartheid, - Represented large constituency during the transition - Decreasing strength and visibility - And more fragmented in post-apartheid South Africa 	<ul style="list-style-type: none"> - Many organisations remain apolitical , and restricted to working on the local level - Only occasionally politically engaged, - Fragmented - Weak - No autonomous national women's movement exists
Nature of the women's movement – state relationship	<ul style="list-style-type: none"> - Good connection and communication at Museveni's takeover - Attempts of cooptation and silencing - Initiatives from the women's movement occasionally directly stalled by the government - Freedom of speech occasionally restricted 	<ul style="list-style-type: none"> - Good connection and communication during transition, - Important actors within the women's movement left the civil society terrain to work from within the state rather than as a result of direct cooptation. - Decreased level of connection between movement and state - Freedom of speech largely respected 	<ul style="list-style-type: none"> - Women's orgs alienated from the stat, - Women's organizations viewed with suspicion by the state - Close state control, - Repression, - Cooptation and silencing - Freedom of speech restricted
Gender achievements reached	<ul style="list-style-type: none"> - Gender sensitive constitution, - National gender machinery: Ministry of women, Women desks, Quotas for women in local government and national assembly - Equal opportunities Commission 	<ul style="list-style-type: none"> - Gender sensitive constitution, - National gender machinery: Women desks, The "Office on the Status of Women", the "Parliamentary Women's Group", the "Select Committee on Women, Children and Persons with disabilities", the "Portfolio Committee on Women, Children and Persons with disabilities", the "Commission on Gender Equality", the "Ministry of Women, Children and Persons with Disabilities". - Quotas for women adopted by the ANC on election lists. - Strong legal framework for women's rights 	<ul style="list-style-type: none"> - Few gender achievements, No national gender machinery in place. - Increased levels of women standing for political positions (contesting elections), though only minor increase in women actually getting elected.
Future challenges for the women's movement	<ul style="list-style-type: none"> - Ensure genuine devotion to gender equality and good connection between strong women's movement outside the state and women inside the state. 	<ul style="list-style-type: none"> - Maintain a national unified women's movement, - Ensure connections from the local level to the national and in political advocacy. - Monitor the national gender machinery and ensure future devotion to gender equality. - Ensure that women actually benefit from laws and institutions in place 	<ul style="list-style-type: none"> - Create a stronger women's movement that can effectively lobby and pressure the state to take gender considerations and gender equality seriously.

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